SECRET

1 October 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Edward Braswell re Fulbright Amendment Problems

1. This afternoon I finally got through to Ed Braswell, Chief of Staff, Senate Armed Services Committee, who had been tied up on the floor most of the day in connection with the passage of the Conference Report on the Military Procurement Authorization bill. I told him of the Director's appreciation for Chairman Stennis' call the other day and the Director's desire to see Stennis before the Director leaves next week on an overseas trip.

2. Braswell said he was confused about certain aspects of the matter. I said I couldn't speak for the Director but assumed he wanted to make sure that Chairman Stennis knew the effects which the Fulbright amendment, together with the congressional intent as explained by Stennis, would have on some going and planned programs in Southeast Asia.

3. Braswell said it was "a little late" to go into this now--that when the Fulbright amendment came up for consideration the Committee was unable to find out what programs the Administration had going in Southeast Asia, so they were in no position to argue against the Fulbright amendment. Braswell went on to say he must confess some irritation over the fact that we had provided details to our House Subcommittee but not to the Senate one, and this "looked like we were trying to split the Committees." I took issue with this, reminding Braswell that we had repeatedly made clear our readiness to appear whenever Stennis could find time for a hearing, and that the material we had provided Slatinshek on the House side had been furnished in response to his specific and urgent request for ammunition to help Chairman Rivers attack the Fulbright amendment in Conference. I went on to recount the history of our discussions with Russ Blandford and DOD representatives--General Lawrence, Maurice Lanman and later Fred Buzhardt. I said we had been under the distinct

SECRET

impression that DOD was going to raise the Fulbright amendment problems in their reclama but failed to do so, reportedly as a result of a last minute high level decision. I said we had had to rely on the DOD to raise the issue in the reclama because we couldn't afford to "get out in front" on this issue.

4. I suggested that the Pentagon's failure to go to bat on the Fulbright amendment might have been due to a top level assumption that the Agency could "take care of things" under its special authority. Braswell said he didn't think they were "that naive."

5. Braswell said he was afraid now that DOD was going to come up and "ask us to bail them out." I said I was afraid part of the problem was that some of the "people across the river" hadn't fully focused on the problem. Braswell said "some of those people" are not agreed on policy and are not concerned with legislation.

6. Braswell asked if we had had a "meeting of the minds" with DOD as to how the Fulbright amendment should be interpreted. I said we had discussed it but come to the conclusion that its precise effect on some of our programs in question was at least debatable. I said that for this very reason the Chairman's call to the Director had been particularly helpful, since it dispelled any uncertainty as to the congressional intent behind the amendment.

7. In conclusion Braswell and I agreed to meet tomorrow to discuss the matter in more detail so that Braswell can brief the Chairman prior to his meeting with the Director. 25X1

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terials. Hazardous materials run the gamut from explosive gases to poisonous chemicals.

Whenever an accident occurs involving dangerous substances fires often result and those fires must be put out by local fire departments throughout the country. It is unrealistic to assume that every local fire department know every aspect of putting out chemical fires involving thousands of chemicals used in America today. Under this Act the Secretary of Transportation is directed to establish a central information center so that in the event of emergency a local fire department can call a central number to obtain correct information as to the best method of extinguishing a chemical fire or preventing additional explosions.

Mr. President, all my colleagues in the Senate and the House are to be congratulated on this particular piece of legislation which indeed represents a meaningful step forward in our national effort to insure safety for all Americans.

Mr. COTTON. Mr. President, I want to echo the remarks of my distinguished colleague from Vermont, Senator WINSTON PROUTY. This measure indeed is a landmark piece of legislation and truly represents the most comprehensive and far reaching piece of surface transportation safety legislation ever passed by Congress.

At the beginning of this Congress I, too, felt that the chances of getting this worthwhile piece of legislation through Congress were minimal. However, the distinguished Senator from Vermont is too modest in pointing out why this Congress has succeeded in enacting the first comprehensive Federal railroad safety legislation in history. The primary reason that we are able to pass this piece of legislation today is the skilled and dedicated work by the distinguished junior Senator from Vermont.

While many were talking, Senator PROUTY was working. He almost singlehandedly wrote this entire piece of legislation.

Last November, when the various parties interested in this legislation found it impossible to agree on a sensible railroad safety bill, Senator PROUTY called them together in his office. He called railroad labor. He called railroad presidents. He lit a fire under our own administration and he worked closely with the public utility commissioners in the various States. Within several weeks he had hammered out a piece of legislation which was far stronger than the bill that was originally considered by the committee. He offered it as a substitute to the bill pending before our committee and the committee unanimously accepted the Prouty substitute. In December, with able floor leadership by Senator PROUTY, the bill passed the Senate. All spring and part of the summer the House deliberated concerning the merits of the bill. Some of the Members of the House attempted to weaken the bill. Senator PROUTY personally persuaded them that a strong bill was necessary.

Today we can see the results of the extraordinary legislative skill characteristic of Senator WINSTON PROUTY.

As ranking minority member on the Senate Commerce Committee, I have a thorough knowledge of what has been done in the field of surface transportation legislation. In this Congress the dedication and hard work by the distinguished Senator from Vermont has resulted in the enactment of more meaningful legislation originating in the Surface Transportation Subcommittee, on which he is the ranking minority member, than occurred in the entire decade of the sixties.

Mr. MAGNUSON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of September 28, 1970, pages H9320–H9322, CONGRESSIONAL RECORD.)

Mr. STENNIS. Mr. President, it is likely that this matter will not take very much time. I have a statement about the bill, which discusses the main subject matters and makes reference to some of the Senate amendments that did not prevail in conference.

As I see the situation now, Mr. President, there will not be any extended debate with reference to the conference report. I should, however, like to reserve the right—as any other Senator does, I am sure—to ask for a rollcall vote if it seems proper at the end of this discussion; but as I see it now, it will not require a rollcall vote.

GENERAL COMMENTS

Mr. President, this conference was hard fought on the part of both the House and Senate conferees. The final product is a bill as a result of the work of the conferees. The Senate did not prevail in all of its provisions but neither did the House. This conference report represents the product of extremely hard work by both the Senate and House conferees and, in my opinion, provides for an excellent procurement and research and development program for fiscal year 1971. I shall discuss the highlights of the conference action and shall be prepared to answer any questions members may have.

FUNDING COMPARISONS

The bill as presented to the Congress by the President totaled $20,605,489,000. The bill as passed by the House totaled $20,571,489,000. The bill as passed by the Senate totaled $19,242,889,000.

The bill, as agreed to in conference, totals $19,929,089,000.

The figure arrived at by the conferees is $642,400,000 less than the bill as it passed the House, $686,200,000 more than the bill as it passed the Senate, and $676,400,000 less than the bill as it was presented to the Congress by the President.

SAFEGUARD ABM SYSTEM

Mr. President, the Senate position on on the Safeguard ABM system prevailed exactly as it passed the Senate, both in terms of funds and the restrictive language limiting this system to the protection of our deterrent. I would emphasize that the House reluctantly accepted this position after having urged several changes in the Senate position.

SHIPS

The bill as passed by the House contained lead funds for the nuclear carrier, CVAN–70, as well as an additional authorization of $435 million for new ship construction not in the Senate version. The Senate version did not contain funds for any of these items. The House acceded to the Senate position with respect to the carrier. The Senate agreed to the House position with respect to the additional ships, all of which are set forth in the conference report. I would emphasize that the basis for the final conference position on the nuclear carrier is due to the fact that a firm position has not been forthcoming from the executive branch on this matter. I should also like to point out that even though the new ships listed in the conference report are not in the budget, they have the highest priority with respect to Navy needs. Moreover, the Secretary of Defense has indicated that funds for these ships will be obligated if made available by the Congress.

M60A1E2 TANK

Mr. President, the Senate bill deleted the $12.1 million for additional research funds for the so-called E–2 tank which has represented an effort over the years to adapt the Shillelagh missile to the standard A–1 tank. Even though this program has encountered great difficulties with respect to time and cost, the House was insistent that the funds be authorized for one last attempt to solve the technical problems for this tank.

PRIOR YEAR FUNDS

Mr. President, I would like to note that the House agreed with the Senate position in reducing the new obligational authority in this bill by $334.8 million in recognition of certain prior year appropriations which will not be obligated during fiscal year 1971 and which will therefore be available for use in 1971 in lieu of new financing.

RESEARCH AND DEVELOPMENT WEAPONS

Mr. President, I shall not dwell at great length on the research and development items since Senator MCINTYRE intends to discuss these matters in some depth. I

would observe that in terms of the money differences on R. & D., the House version totaled $7,265.6 million, the Senate version totaled $7,016.5 milion, and the final version totaled $7,101.6 million. The conference amount was $164 million below the House version and $164.1 milion above the Senate version.

Furthermore, with respect to the specific weapons systems in R. & D. the House was adamant in insisting on the restoration of the funds for the Cheyenne helicopter development in the amount of $17.6 million which the Senate had deleted.

With respect to the B–1 advanced bomber, the final figure was $75 million as compared to $50 million approved by the Senate and $100 million by the House.

There were a number of lesser items which were subject to adjustment on both sides all of which are set forth in the conference report.

LANGUAGE ADJUSTMENTS

Mr. President, I would now like to discuss some of the results of the adjustments in language in the conference with respect to the two versions of the bill.

FINAL ACTION ON HOUSE LANGUAGE PROVISIONS

The House bill contained five language provisions. Three of these relating to the shipbuilding and conversion program were dropped in conference. The remaining provision mandating three active production sources for the M–16 rifle during fiscal year 1971 was retained in the final report.

The one other House provision related to the barring of R. & D. grants for colleges where military recruiting is barred on the campus. This provision was compromised with the result that this prohibition will not apply unless military recruiting is barred by the policy of the institution.

SENATE LANGUAGE PROVISIONS

C–5A

Mr. President, the Senate language provision insuring that the $200 million appropriated for the C–5A would be strictly used for C–5A purposes only was accepted by the House. The House would not accept in its exact Senate form the provision requiring approval by the two Armed Services Committees of the plan for the use of the $200 million contingency funds for the C–5A. The final language requires the submission of the plan by the Secretary of Defense to the two Armed Services Committees and prohibits any obligation of expenditures until the expiration of 30 days. It was the position of the House that the so-called committee approval provision was unconstitutional.

FUNDING SUPPORT FOR FREE WORLD FORCES IN SOUTHEAST ASIA

Mr. President, the Senate version of the provision authorizing the use of Defense appropriations for the support of free world forces in Southeast Asia with two exceptions prevailed in conference. The exceptions were: First, the raising of the ceiling from $2.5 billion to $2.8 billion in order to provide flexibility for Vietnamization and second, the insertion of additional language which would exclude any present agreements from the limitation of overseas pay now being received by foreign troops out of U.S. funds.

TRANSFER OF MILITARY EQUIPMENT TO ISRAEL

The Senate amendment on the transfer of aircraft and related equipment to the State of Israel under certain conditions was accepted by the House with one slight modification which provides that the transfer authority will expire on September 30, 1972. The Congress will be in a position at that time to examine the need for the extension of this authority.

REQUIREMENT FOR ANNUAL AUTHORIZATION FOR ACTIVE DUTY PERSONNEL

Mr. President, the House accepted the Senate provision which will require beginning in fiscal 1972 that the active duty strength of the Armed Forces be authorized as a condition precedent for the appropriation of funds for this purpose.

PREMATURE DISCLOSURE OF DEFENSE CONTRACT AWARDS

The House accepted the Senate provision which precluded the Secretary of Defense from providing advance notification to any Member of Congress of a defense contract award.

LIMITATION ON PERMANENT CHANGE OF STATION ASSIGNMENTS

The provision placing limitations on permanent change of station assignments for military personnel was not acceptable to the House in the form approved by the Senate. A compromise version was reached which directs the Secretary of Defense to initiate new procedures but omits the explicit limitations contained in the Senate version.

INDEPENDENT RESEARCH AND DEVELOPMENT PROVISIONS

Mr. President, Senator McINTYRE will comment at length on the final provision with respect to I.R. & D. The key feature of the Senate provision was the $625 million ceiling which would have been imposed on the level of effort in this activity. The House would accept no dollar limitation on this matter. Certain language was agreed to, however, which does require advance agreements between the Department of Defense and the contractor.

Mr. President, I greatly respect the position of the House but at the same time I exceedingly regret that more progress could not be made in the control of the so-called I.R. & D. activity. It is my observation that this program has not been properly managed in the Department of Defense for the past few years and much needs to be done to prevent abuse in this program which is now at an estimated cost of about $700 million a year.

I firmly believe that this entire matter should be kept under continual and intensive oversight by the Congress and I wish to give notice at this time that I intend to pursue this course of action. No program, however important, is not properly managed if managed in such a way that effective legislative oversight is impossible.

We had some sharp disagreement with reference to the language that goes to the research problem and the independent research problem. It is an important matter, but it is a problem to get it in such shape that Congress can give it proper legislative surveillance, because proper legislative surveillance is something which is more important than the exact amount we might appropriate for items. We can well disagree as to amounts, but we should all agree that an item is not to be approved unless we can have some semblance of a reasonable legislative surveillance and supervision over it, varying according to degree to the subject matter.

We got the best we could with reference to this research. The conferees did everything they could. Someone asked me: "Why did not the House conferees agree more than they did with reference to the amendments?" I am sure they were as honest and sincere as we were, but I remember that our former colleague from Arizona, Carl Hayden, gave a mighty good answer here, one time, on a conference report, where he was sharply questioned by someone as to why the Senate did not get a better agreement and specifically why the House would not agree on that point. He said, "Well, they were opposed to it."

I cannot improve on that. They were just opposed to a lot of these provisions. And, as I say, I am sure it was in all sincerity.

I think it is something that can be and should be worked on more. We should keep on, and we will get a better system out of it.

I am going to insist on the Secretary of Defense and Dr. Foster, the Assistant Secretary of Defense in charge of research and development, helping to formulate a better plan that, regardless of the amount of money, can be handled in such a way as to have this surveillance on independent research and development. I fully recognize its importance. But I think that we must have a better system.

SECTION 204—RELEVANCY OF DEFENSE RESEARCH ACTIVITIES

Mr. President, as the Senate knows, the Senate version of the bill contained a provision, also in last year's act, which required that defense research be conducted only on work having a direct and apparent relationship to a specific military operation or function. The House would not accept the language this year in the form passed by the Senate mainly on the argument of the great difficulty in applying such standards to basic research. A compromise version was agreed to which limits the use of Department of Defense research unless the project has "in the opinion of the Secretary of Defense, a potential relationship to a military function or operation."

Mr. President, Senator McINTYRE will discuss this provision in some detail.

SUMMARY

Mr. President, I have outlined the principal provisions of this conference action and I urge the Senate to approve this conference report for the authorization of military procurement and research and development for the fiscal year 1971.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I am glad to yield at this point to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, first I congratulate the Senator with regard to the retention of two of the amendments I sponsored. I am very pleased that those prohibiting the financing of South Vietnamese or Thai military operations in support of the Cambodian or Laotian Governments and the payment of excessive bonuses to mercenary troops were retained.

The Senator did a great service in maintaining the Senate's position. The principles involved in these amendments are quite important. I believe that we should make it clear that our Government's policy is that we are not going to underwrite the security of the Lon Nol government.

Although the Senate failed to set a deadline for the termination of our involvement in the war, it has taken action to prevent our being sucked further into the conflict in Southeast Asia.

I do regret that the prohibition on payments of bonuses to mercenary troops was changed so that it does not affect agreements now in effect. However, perhaps the Congress' action will have the effect of bringing about a faster liquidation of the pay agreements that are outstanding.

The item I wish to ask the Senator about specifically that for $3 million for the International Fighter project which the Senate Armed Services Committee had not approved.

As the Senator knows, this aircraft is to be built solely for the purpose of giving and selling it to foreign countries. It is the first time, I think, that such a development project has been undertaken, aimed solely at markets in foreign countries. Heretofore, weapons and planes have been developed for our own defense purposes and if we wished to do so, we could also sell them abroad.

The Committee on Foreign Relations is interested in this matter. The Senator will recall that when Congress approved an authorization of $28 million last year for the development of this plane, it was justified in the Senate on the grounds that the plane was needed by the South Vietnamese in connection with the Vietnamization program and to expedite the withdrawal of our troops.

I would like to ask the Senator from Mississippi a few specific questions. The conference report states that no final action has yet been taken by the Department of Defense to go forward on this project. Does that mean that the $28 million appropriated last year has not been used?

Mr. STENNIS. The Senator is correct. That amount has not been used.

Mr. FULBRIGHT. Has the contract been awarded?

Mr. STENNIS. No, there has been no contract award.

Mr. FULBRIGHT. Did the administration budget this year request any funds for this project?

Mr. STENNIS. No. The $28 million was not in the budget last year. It was authorized by the Congress. But there was a $30 million recommendation this year. The Senate committee left that out.

Mr. FULBRIGHT. The $28 million has not been used?

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. No contract has been awarded?

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. And the only difference was that the Senator says that this year, while the budget recommended an additional $30 million, the Senate committee left it out and the Senate left it out.

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. I do not know why if they have not used the $28 million, $30 million additional is needed?

Mr. STENNIS. Mr. President, here were the facts that we were confronted with last week when the report was agreed to. That is the position we took, that the $28 million was still available and that no contract had been let. We went into this question fully with the Department of Defense and found a very strong position there that they were planning to let a contract and that they would need this $30 million to carry out the plan that had been formulated following our authorization last year.

The Senate conferees insisted that that figure be reduced, if it was going to be allowed at all. We had not allowed it. But we made every effort to get a determination of the amount needed. The only position the Department of Defense ever gave was that they would need that full $30 million if they were going to carry out the plan they had formulated.

In the final analysis, we agreed to the $30 million on that basis.

I had become convinced in the course of the consideration that over the course of years we can save considerable money, assuming that we continue this policy of backing a plane of lesser cost. It would not be an inferior plane. However, it would be far less complicated, the upkeep would be far simpler and less expensive, and if the Department of Defense can do what they now think they can do with it moneywise, it would save considerable money. Militarywise, it would be a sound investment.

We agree to it on that basis.

Mr. FULBRIGHT. Mr. President, I do not understand why, after a year, if they have not been able to use the $28 million, they need an additional $30 million before letting the contract.

Is it not a fact that the Department of Defense did not originate this? It originated in the House committee, specifically by Chairman RIVERS, and represents his views on how to supply foreign military equipment.

Mr. STENNIS. Mr. President, all the way through, the Secretary of Defense has given every evidence of strong support to this project.

Mr. FULBRIGHT. Mr. President, actually if the chairman of the House committee committed himself to the project, it would be most unusual for the Secretary to disagree with him.

This project did not originate with the Department of Defense. It is a special project that was initiated in the House committee. The facts about this matter have been publicized. There is no secret about them.

In view of that, I do not understand why, if they have been unable to use the $28 million already appropriated, they now want to have an additional $30 million before they let the contract. They have not let the contract or done anything to use the money available.

This project is unprecedented. Never before has any previous administration undertaken to develop a plane specifically for foreign countries, a plane that has no relevance to our own Armed Forces.

This kind of authorization should not be handled through the Armed Services Committee. The authorization for giving or selling this plane should be through the military aid and sales programs. So this is not only being profligate in the spending of money, but it also violates the jurisdictional rules of the Senate.

This is really backdoor foreign aid. That is all it is. It is backdoor foreign aid to get around the restrictions that have been initiated by the Committee on Foreign Relations and approved by the Congress to curb profligate spending on foreign aid. Now a new foreign aid program is being started under the aegis of the House. I regret the Senate is going along with that procedure. This project is not only a waste of the taxpayers' money but it violates the jurisdictional rules of the Senate. This matter could lead to very serious consequences.

The military sales bill is already in conference. The House does not show a disposition to go forward with reaching an agreement on that bill. So it looks now as if under some understanding, at least, that the Committee on Armed Services is trying to take over foreign military aid. This could lead to unlimited spending for military aid and complete disregard for the traditional jurisdictional rules of the Senate.

Mr. STENNIS. We could endlessly argue where the line of strict jurisdiction is between the Committee on Foreign Relations and the Committee on Armed Services. There are clauses in the rules that will support either side. I say that frankly.

But at the same time, over the years, the custom was to refer these matters to both committees. I think we had some joint hearings on this military aid in some of the years. I know the bills were referred to both committees in some of the years that I remember.

We have gotten into arguments about these matters. This year—and it is burning up time just to recall it—on the Ship Sales Act, the Committee on Foreign Relations, thinking they had jurisdiction, of course, to do so, sponsored a resolution with respect to the actual conduct of the war, as many of us saw it. That was debated here. It is still a matter of contention, one might say.

Here is a matter where these planes are becoming much more expensive, and a cheaper and simpler plane is thought to be adequate. I am not interested in what any individual wants to sponsor. I am not a party to it and I am not interested in it. But as a practical matter, I was impressed with some of these facts about less cost and less upkeep and less involvement. We have to send men to these countries to keep these sophisticated planes in repair. The first tracks we made in South Vietnam were Air

Force mechanics going in there to maintain these planes we had loaned them. I think as a practical matter if we can get one of these knockdown planes cheaper it would be justified.

I do not meticulously hew the line about this jurisdictional matter.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may interpolate there?

Mr. STENNIS. Yes, but first I wish to finish my statement. I have concepts about jurisdiction. I wish we could scrupulously maintain them but as a practical matter it is impossible to do it.

Mr. MANSFIELD. Just as a historical footnote, I recall at the time they sent those mechanics in, the Senator from Mississippi rose on his "hind legs," so to speak, and protested and foretold then what would happen if this thing was carried through; and it has come to pass. The record should show that.

Mr. STENNIS. I thank the Senator.

We want to lessen the occurrences under which we will send mechanics in. We want a simpler plane, with which we will not have to help in the mainteance and upkeep.

Mr. FULBRIGHT. I say to the Senator that under the foreign military aid program it is not customary to send in men to keep them in operation. If you give them planes, you give them planes, but they are responsible for their maintenance and operation.

Does the Senator contend there is any authorization for giving these planes to any country other than South Vietnam in the existing law?

Mr. STENNIS. I think this one may be—this one is not limited to any one application.

Mr. FULBRIGHT. Just by virtue of this bill. If we ignore existing jurisdiction and authority under the Foreign Military Sales Act, Aid and Sales Acts, and the Senate rules and practices with regard to jurisdiction—if that happens to be convenient—the Senator seems to think it is all right for the Committee on Armed Services to take jurisdiction.

Mr. STENNIS. The Senator should not put words in my mouth.

Mr. FULBRIGHT. Under all practices prior to this year, until this issue came up, the Foreign Relations Committee has had jurisdiction over all military aid and sales matters: the Senator now says jurisdiction is not significant.

Mr. STENNIS. I did not say that. I emphasized it was important. I said it is often difficult to draw exact lines. I think the Senator finds it difficult himself sometimes to draw exact lines.

Mr. FULBRIGHT. That is true but not in this case. Many cases are clear and many are marginal. This is marginal by any stretch of the imagination. It is clear you have authority to use Department of Defense funds to pay for assistance to South Vietnam. You do not have authority, do you, to give away these planes, say, to Pakistan, India, Turkey, Greece, or Korea?

Mr. STENNIS. Those countries are beyond the ordinary concept of military aid, as has been handled by our committee.

Mr. FULBRIGHT. The Senator is——

Mr. STENNIS. Let me finish, please. But under conditions as they are now I do not see how we can split hairs over just where the line may be.

If the Senator wants to, really wants to actually restrict this to any country, he still has the high prerogative to do it, the power to consider it, and bring in any bill, anything of that nature he may desire.

But my concept of this matter is not necessarily limited to Southeast Asia. The Secretary of Defense may consider it in that light, but he has not made me any promise to that effect.

Mr. FULBRIGHT. The military sales bill, passed by the Senate, contains provisions which says that Department of Defense funds cannot be used to give this plane to any country other than South Vietnam. It now looks as if, with the reluctance of the House to proceed with that bill, and the action of the conference committee in this instance, and also the action of the Senate and the committee on the Jackson amendment, which gives open ended, unlimited authority for military assistance to Israel, that a process is developing where the Committee on Armed Services is beginning to try to take over all foreign military assistance programs. I assume they are doing that because the administration and the Committee on Armed Services are impatient with the fact that the Committee on Foreign Relations has, in recent years, shown a disposition to try to cut down on and give Congress better control over military assistance, and foreign aid in general, for that matter.

I think this approach, if pursued, would represent a very serious change in policy. I think the Senate should be aware of what is taking place; that this attempt should not be allowed to develop piecemeal, a little at a time, where it ends in the Armed Services Committee having taken over foreign military aid. This has been one of the areas which has been very controversial. There has been much progress in cutting back on foreign aid. But now an attempt is being made to revive it in this disguised form. I do not think many people are aware what is taking place and what it means, or that what it will lead to is very bad for the country.

I cannot support this move at all, not only because of jurisdiction, but because I am opposed, in principle, to unlimited foreign aid, the giving away of taxpayers funds on an unrestricted basis, especially as proposed in this bill.

In this case $28 million has already been appropriated. You want $30 million more and that will give you $58 million before you turn a tap. I cannot support that.

Mr. STENNIS. The Senator's words were "you want $30 million." I am not particularly wanting anything.

Mr. FULBRIGHT. I am talking about the conference report. I did not mean the Senator personally.

Mr. STENNIS. We looked into the money part. The $30 million is provided in order to let them proceed. This gives them what we call preproduction money for the manufacture of this product, whoever gets the contract. That has not been decided. So it is not one of those things where we could delay with profit. If we were going to proceed with the program, we decided they need that much money.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I yield to the Senator from Arizona.

Mr. GOLDWATER. I will try to clear this up a bit. I might say that I can see the point of the Senator from Arkansas. I can understand the point of the committee. I personally do not think it has reached the place yet where the Foreign Relations Committee would even want to take jurisdiction.

But let me go back a bit and try to trace the development of this matter. When the U.S. Air Force stopped the purchase of the F–104, we, in effect, stopped the purchase of any interceptor aircraft. Today we do not, in truth, have a plane that can successfully compete for air superiority against any sophisticated equipment of the Soviets, or even what the French are producing. We did give the F–5, which is a single-place version of the T–38 trainer to the South Vietnamese as their interceptor aircraft—in fact, tactical support aircraft. It was not successful at first. It is now.

I do not remember exactly when it was—it must have been about 3 years ago—the Air Force, I believe, consulted with other foreign countries, because really the only people in the world today who are making what one would call sophisticated interceptor aircraft would be the Soviets, unless the French Mystere might be able to compete—which I do not think it could in this particular field. It was decided then that it would be wise to encourage American manufacturers to compete with a low-cost interceptor that could be sold to foreign countries.

I realize that the airplanes can be given away, but it is my understanding, having known of this for some time, that the competition was to provide an interceptor aircraft easy to maintain, relatively inexpensive, and the competition, if I am correct, was completed some time either in June or July, and the decision has not been made to whom to award the contract.

The money that is in question is money, as the Senator from Mississippi has said, for preproduction costs, for allowing the aircraft companies that are successful, or the one that is successful, to go ahead with production of a prototype of this interceptor aircraft, which would then be offered for sale to different countries in the world which might want to buy it. I must say that if we want to give it away, we can.

I think at that point, when the prototype has been finished and we have decided it is successful and we go ahead with an actual procurement contract, the Foreign Relations Committee would have a very definite place in it, because at that time it would come under the Foreign Military Sales Act. But at the present time we are actually talking about something which comes under research and development.

I think it was unfortunate that statements were made to the effect that it was to be given to South Vietnam. The

impression was left that only South Vietnam would get the aircraft. The truth of the matter is that we want to get into the foreign market and see if we cannot compete with the Russians in the field of air superiority.

I might say, in closing, inasmuch as we do not have today in our inventory a strictly termed interceptor aircraft, this might provide us with something that our Air Force is in very bad need of at this time and that we are not producing.

That is my understanding of the whole matter.

Mr. FULBRIGHT. Mr. President, may I say, in reply, that last year this was all justified on the basis of Vietnamization. We did not need the plane for our own defense. If we needed it, it would be funded in the regular defense appropriation, and the question would never have arisen. But this is a peculiar way of changing the justification. It was for Vietnamization; nothing was said in the authorization about selling it around the world. If that is the purpose of developing it, the Government has no business developing it. Let McDonnell-Douglas, or whoever it is, go ahead and pay for the development costs. This is a strange mixture of socialism and private enterprise. We have no business developing something for McDonnell-Douglas—using it as a symbol for the whole industry; it would be any one of them—when they could make money out of selling it. Other countries, I assume, do this on a private enterprise basis.

This change in the justification for the project is virtually the same as what happened with ABM. One never can come to grips with the arguments for it. Every time one argument is made, we come up against another justification. The justification in this case was said to be giving it to South Vietnam to aid in the Vietnamization program. That was the reason for this authority. Now there is another $30 million, and that totals $58 million, and they want to give it to anybody, anywhere, as they see fit.

This is an invasion of the jurisdiction of the Foreign Relations Committee. It goes against all the practices and rules of the Senate. I do not think it ought to be in this bill.

In reply to the Senator from Arizona, I know very well that if this item goes through and later another followup proposal comes up, we will certainly be met with the argument, "Well, look, the precedent has already been made. This project is already in Defense. What are you talking about? You lost your jurisdiction last year."

We are met with that kind of argument in treaties. Once we lose jurisdiction, there is little chance of regaining it.

For that reason, I am not about to be a party to this loose interpretation of our rules and jurisdiction.

This action is based upon the fact that the Foreign Relations Committee has not been sympathetic to giving away all the money of this country. I am not going to support such a policy. Just as soon as Congress begins to be more prudent and careful with military and—I think it should have been long ago—there is an attempt to make an end run around us. The same principle was involved in the Jackson amendment. I made the same points then. My amendment was voted down. I do not think it was understood, but it was defeated by a number of votes. I did not have the votes to do anything about it. But it is still a bad practice.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield for a clarification?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, I might say that these companies have proceeded under their own funds. I cannot name all of them. McDonnell-Douglas had a version of the F–4. Lockheed has a later version of the F–104. The particular participant is Northrup, with a new version of the F–5. So they are ready to go. Why the Air Force has not made the contract, I cannot understand. I have asked the officials for the last 2 or 3 months why they did not make it when it was manifest that it would be made the next week, either in June or early July. I have not received a satisfactory answer as to why they have not proceeded with the contract, but the contract is awardable right now, and the money the Senator is concerned about would be spent by the Air Force when the firm that is to build the airplane is decided on. The company would build this aircraft, and, I would assume from discussions I have had, although they said it could definitely become a part of our inventory, the intention is to give it or to sell it. At that point I think the committee of the Senator from Arkansas would have definite jurisdiction. But right now the money is for preproduction costs necessary to build the airplane.

Mr. FULBRIGHT. Does the Senator from Mississippi agree with what the Senator from Arizona said?

Mr. STENNIS. Had the Senator from Arizona finished?

Mr. GOLDWATER. I have finished.

Mr. FULBRIGHT. Does the Senator from Mississippi agree with the Senator from Arizona?

Mr. STENNIS. Mr. President, I do not yield now. Let me make a statement here.

In the first place, Mr. President, this bill does not authorize any planes to go to any country. There is not a thing like that in the bill. This is just money to produce a new plane, the prospective use of which can be for South Vietnam, or any of those countries in Southeast Asia, or any other country.

There is no money in the bill to pay for a plane that is going to South Vietnam or anywhere in Southeast Asia—this type of plane, I mean—or any other country. This is just money to build a new plane. And it cannot be built this fiscal year. At very best, I am advised, it would take 18 to 24 months before we could produce a plane of this type.

So this is just money for preproduction effort. It is the beginning of procurement.

Mr. MAGNUSON. It is just authorization; it is not money.

Mr. STENNIS. Yes; authorization. So hereafter, if some planes like this are going to be given to any Southeast Asian country, it will have to be approved right here on this floor, and if that is done——

Mr. FULBRIGHT. Is this——

Mr. STENNIS. May I finish?

Mr. FULBRIGHT. I thought the Senator had finished.

Mr. STENNIS. I am just stating facts. If there are any hereafter authorized for South Vietnam, as I say, it would have to be done here on this floor, presumably in a bill like this for some future fiscal year.

Then, if there are to be any planes authorized for Kakistan, it would have to be done on this floor, too; and I assume the Senator from Arkansas would claim that his committee had jurisdiction, and he would have a very strong point; perhaps it would not even be contested by the Committee on Armed Services.

Mr. FULBRIGHT. The Senator from Arizona, as I understood, said that is where he thought it would be.

Mr. STENNIS. I am just trying to bring this into focus here, that the Senator from Arkansas is not surrendering anything now. This is a continuation of what we passed last year, and this plane may be used by any country. There are no restrictions on it. When it comes to authorizing the sale of planes, it will have to be done by legislation from one committee or the other. We are not wanting to get into anything more right now, but I would not want to waive jurisdiction; it depends on the circumstances.

Mr. FULBRIGHT. The Senator wants to postpone that argument.

Mr. STENNIS. No; that is just the fact. That is as far as this authorization goes.

Mr. FULBRIGHT. That is true.

Mr. STENNIS. That will come up some year in the future.

Mr. FULBRIGHT. Having appropriated this money to spend, they will want to go ahead with the contract. Of course, the Senator knows there will be established a precedent which will probably operate in his favor.

Mr. STENNIS. I think not.

Mr. FULBRIGHT. As the Senator from Arizona suggested a moment ago, there are four or five companies interested in this plane, and he did not understand why they had not let the contract. Does not the Senator think perhaps they ought to wait until after the elections, and not alienate any of those companies?

Mr. GOLDWATER. Oh, no. I do not think that enters into it at all.

Mr. FULBRIGHT. That does not enter into it?

Mr. GOLDWATER. No; I do not think any contract for that amount of money is going to get political. I think if we were talking about another C–5 or something like that, perhaps.

I might say we do not make any of these planes in my State of Arizona, and none of them are made in the State of Arkansas, nor in the State of Mississippi.

The terminology used to describe this fighter, I think, is the disturbing point. It is called the International Fighter.

Mr. FULBRIGHT. That is correct, the International Fighter.

Mr. GOLDWATER. It was intended for that purpose, to build a plane in this country we could supply to NATO countries. In fact, the NATO countries were among those who asked for such a project to be initiated in this country, because about the only other place they can go today for this type of aircraft is the Soviet Union.

Mr. FULBRIGHT. Does not Sweden make a very good interceptor?

Mr. GOLDWATER. Sweden has made a little Saab which was a good interceptor, but the NATO countries did not buy it. The French have made several good tactical fighters, but none that can climb fast enough or high enough, or carry enough cannon to gain air superiority.

This is what we are talking about. We do not even have this type aircraft in our inventory today. We have been fortunate in Vietnam in that the enemy has had an extremely limited number of Soviet-made Mig's; otherwise we would have been in real trouble over there.

But I think the term "International Fighter" is what has gotten us into this squabble.

Mr. FULBRIGHT. Representative RIVERS was reputed in the press last year to have originated this idea and proposal.

But I want to go on to one further item.

On this matter of the ships, the Senator made the statement, "The House gave up a nuclear aircraft carrier," and then be substituted—I think it was—$435 million worth of ships that the Department of Defense had not asked for; is this correct?

Mr. STENNIS. That is correct. That is not all the story, though.

Mr. FULBRIGHT. Was that just to soften the blow to the House of Representatives because they gave up a nuclear aircraft carrier, that the conferees gave them these other ships?

Mr. STENNIS. Mr. President, I do not think it is necessary to answer that kind of question. But I say to the Senator from Arkansas that if there should be someone here who would give it such a sectional interpretation. Our position was announced earlier this year on the carrier. I liked the carrier idea, myself, but there had not been a firm enough request from the executive branch.

But these ships are altogether in a different category. These are one of the modern, fast submarines that are coming up next year in the budget request, and a destroyer tender, and also a submarine tender and two small oceanographic ships. There are also some smaller service and landing craft for a very small amount.

They were agreed to as a part of the conference. It was before us in the House bill, and was agreed to as a part of composite matters before us.

I do not know whether funds will be appropriated or not. But the Department said if they got the money, they would go on with the building of the ships. The Secretary of Defense has indicated that funds for these ships will be obligated if made available by Congress.

So if leaves no doubt about the need for them, or about their being a part of the Department of Defense program. I did not agree to this, myself, until I had checked it out fully with the Navy and with the Department of Defense.

So these are firm requirements, and we recommend their approval

Mr. FULBRIGHT. While sitting on the appropriations conference with the House of Representatives on State and Justice, my senior colleague from Arkansas (Mr. MCCLELLAN), the chairman of that subcommittee, sat there all day trying to persuade the House conferees to accept a small item, in terms of dollars—which incidentally, I think, affects the Senator's State of Mississippi, and it certainly affects Arkansas—for regional development funds.

What really confounded me was that Senator MCCLELLAN fought all day to agree to provide $6 million—more for this program, which is basic to the development of States like those of the Senator from Mississippi and the Senator from Arkansas. He wanted them to recede and accept the full $16 million voted by the Senate.

No, they were hard-nosed; they were so concerned about the solvency of this country that they would not think of providing any more money for that purpose, and they fought and fought.

Senator MCCLELLAN is a very stubborn man when it comes to defending Arkansas' interests, as Senators know. He was committed, as I was also, to getting the full $16 million. We could only get $10 million. But what disturbs me is the difference in attitude on something that goes for the economic development of the underdeveloped areas of this country, where they are so careful and so parsimonious; but yet here the conferees came up an item of $435 million for ships that were not in the budget. I congratulate the Senator on the nuclear carrier; the committee was absolutely correct on that. They are utterly obsolete and useless.

But why in the world is not the committee concerned about saving a little money in this area? Here is $435 million, in contrast to $16 million which went to the economic development of this country. What shocks me and distresses me is that whenever it is associated with anything military, we can anticipate what will happen. Here is a program they were not even wanting until next year. The Defense Department had not even asked for it, and $435 million is given for this kind of project. Yet, Members of the House Appropriations Committee in conference, fight like tigers against a little item for economic development.

This is what bothers me. It is not just this specific thing. It is an attitude on the part of both Houses that whenever it is for the military, the sky is the limit. If the Defense Department says, "We can use it, if you insist on giving it to us," it is given to them. That is what happened here. They had not asked for it.

Mr. President, I am about at the end of my rope when it comes to voting on bills of this kind. I do not think I can continue to vote for this bill, when it is so profligate and so out of consonance with the real needs of this country.

The Senator from Mississippi, personally, has done a good job. He is not responsible for this attitude of the Congress as a whole.

This is the general attitude that has prevailed in the Congress for a long time. I certainly mean no criticism directly of the chairman of the committee. He has already said that the other House does not agree. I know that he cannot get his way. My criticism goes to the general attitude about these matters that is prevalent in Congress, not to anything that the Senator from Mississippi has done. I have no reason to believe that he has not done the best he possibly can in his position. But I cannot vote for this bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, the conference report contains language with respect to section 204 which reads:

None of the funds authorized to be appropriated to the Department of Defense by this or any other Act.

Although I believe the language is clear, I would like, for the purpose of legislative history, so that there will be no misunderstanding as to application of this language, to ask the chairman of the committee to state the intention of the conference committee with respect of the scope of the prohibition. In particular, I hope the chairman can state whether it acts only prospectively for funds to be appropriated by future acts of Congress and will have no effect on funds heretofore appropriated, but unexpended. I ask this question because the Senate-passed bill contained a prohibition that applied solely to funds to be appropriated by Congress this year, whereas the House bill contained no prohibition whatsoever.

Is my understanding correct, that this prohibition is prospective only, and in no way retroactive to upset the standards required last year in the funding of research?

Mr. STENNIS. Mr. President, I was already familiar with the substance of the Senator's inquiry and had looked into the matter myself. I think that unquestionably the language in the bill before the Senate acts prospectively only and will not affect funds for fiscal year 1970, the fiscal year just closed, funds that have not been expended.

The entire discussion in conference was about the prospective funds for fiscal 1971. It was agreed, of course, as was the law, that the Senator's amendment of last year was the law, and there was no discussion about repealing that as it applied to fiscal 1970 funds. But I think it is very clear that this language applies only to funds in this bill and not to those of the fiscal year that is closed. To have made it apply to fiscal year 1970, for example, we would have had to use the word "heretofore" or something talking about funds to be appropriated, or "heretofore appropriated." If those words had been used, it would have applied to fiscal 1970. Without their use, it applies to 1971.

Mr. MANSFIELD. Mr. President, I ap-

preciate the answer given by the distinguished chairman of the committee, and I am most appreciative that Congress has regained a little of its sovereignty, a little of its equality, in its relationship with the executive branch.

I am greatly distressed by the change made in this conference to section 204, the prohibition on the sponsorship by the Defense Department of research in no way related to its military function or operation. I understand fully the difficulties that the Senate conferees experienced in attempting to uphold Senate positions at variance with the House during this joint conference between the two bodies. I understand fully the extraordinary price that the Senate conferees had to pay to maintain the modest restriction on the expansion of the Safeguard ABM.

However important and significant that restriction was strategically, the price seems inordinate. I say this not as a reflection upon Senate conferees, but rather the unreasonableness of the conferees of the other body. Congress as a coequal branch of Government will exercise its equality as a branch only if it is willing to accept the responsibility of hard decisions on questions of policy. The notion of deterring the difficulty of the hard decisions to the executive branch on matters of policy and procedure is a total abdication of congressional responsibility. The notion of representing a client—namely, an executive branch of the Government—by Members of Congress in their committees, is going to have to be abandoned and the burden of independent factfinding and judgmentmaking assumed, for Congress to make the type of contribution the Constitution envisioned.

I believe that what took place with respect to section 204, although a very small part of this bill, is very indicative of the general malaise to which I refer. The language of last year's act incorporated by the Senate into the bill which ultimately became a part of the law read as follows:

None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

That Senate amendment was eliminated this year by the House Armed Services Committee. No vote was ever taken by the full House of Representatives on that issue when the bill was considered in the House. When this military procurement authorization of 1971 was considered this year on the Senate floor, the Senate voted to back its Armed Services Committee's decision to retain last year's language. The Senate vote this year to reinstate this amendment was unanimous, 68 to 0.

In my opinion, the language of this amendment has stimulated a much-needed focus on establishing a coherent, national science policy. It has inhibited during the past year to some degree the heretofore unlimited jurisdiction of the Defense Department in the sponsorship of research, research that should more aptly be sponsored by a civilian agency of the Government. The version that came out of conference and contained in this bill is not likely to continue that realignment of research sponsorship. The final version contained in this bill reads as follows:

None of the funds authorized to be appropriated to the Department of Defense by this or any other Act may be used to finance any research project or study unless such project or study has, in the opinion of the Secretary of Defense—

I emphasize there, "in the opinion of the Secretary of Defense"—

a potential relationship to a military function or operation.

In my opinion, the modified language is worse than would be the elimination of the amendment totally. The amendment last year emerged from a congressional realization that for 25 years it had omitted the establishment of any guidelines with respect to the sponsorship of research by the Department of Defense. In the absence of Congress' fulfilling its responsibility of establishing policy, the Department of Defense made the determinations on its own, as well it should under those circumstances. Last year's amendment attempted to reestablish some congressional guidelines for the sponsorship of this research. The language contained in this conference report, in my opinion, regresses beyond the mere failure to impose guidelines. It affirmatively states that the Department of Defense will solely determine what research is beneficial to it. This language, in my opinion, is a legislative act of abdication to the Secretary of Defense by Congress of the Congress constitutional obligation to establish basic policy.

I am pleased, at least, by the fact that the language of this amendment will not affect funds heretofore appropriated, as the distinguished Chairman, the Senator from Mississippi has so indicated in response to a question, and its application, if any, will be under the terms laid down by future appropriations acts.

I thank the distinguished chairman for allowing me this opportunity to get something off my mind and to state that the fight is far from ended. As a matter of fact, it has begun again.

Mr. STENNIS. Mr. President, I appreciate the remarks of the Senator from Montana. I do not altogether agree with some of the points he has made. I do not think that this is an entire abdication of any legislative responsibility with reference to this question. I think it means something to require the Secretary of Defense, for instance, to make a special finding with reference to these matters, projects, and studies, and that it at least has a potential relationship to a military function.

We tried to get the word "relevance" kept in. That was in the original amendment of the Senator from Montana. We were not able to do that.

As I said, they were against it. We had plenty of discussion on it.

Mr. President, now I should like to yield to the distinguished Senator from New Hampshire (Mr. McINTYRE), who is mighty well versed in this subject, and has done a tremendous amount of work and made a significant contribution to the Senate and the conference.

Mr. McINTYRE. Mr. President, I thank the Senator from Mississippi. I should like to have the attention of the Senator from Montana——

Mr. MANSFIELD. Yes, indeed. I am delighted.

Mr. McINTYRE. Regarding sections 204, 205, and 207, the conferees had a great deal of difficulty with the distinguished conferees from the House. One of the questions that plagued us, to which we did not seem to have a good answer, was: How do we apply a relevancy test to basic research? Everyone agreed that a relevancy test was quite proper for applied research.

Mr. STENNIS. Mr. President, if the Senator will yield briefly to me, let me suggest that we wait until the distinguished Senator from Montana has a chance to listen to the Senator from New Hampshire.

Mr. McINTYRE. I think the Senator from Montana realizes how long and how hard the Subcommittee on Research and Development took a look at the problem of relevancy——

Mr. MANSFIELD. If I may interject there, not only do I realize it, but I deeply appreciate it.

Mr. McINTYRE. But we found great difficulty in the conference on the subject of basic research which, by its very nature, is a program that is started with no one quite knowing where or how it will come out.

I wonder whether the Senator from Montana would have any good answer to the question raised to us by the House conferees; namely, how can we apply a relevancy test to basic research?

Someone said it is like fishing in a pool. We throw in the line but we do not know whether we are going to catch a trout or what.

Mr. MANSFIELD. It should be brought out and made apparent in the RECORD that the distinguished Senator from New Hampshire, chairman of the subcommittee dealing in research and development, did make a very reasonable proposal in the conference which would have been quite acceptable, and which would have defined the areas and which would have applied a proper standard to each category.

Mr. STENNIS. Mr. President, the Senate is not in order. Could we have quiet so that we can hear what the Senator is saying?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MANSFIELD. Mr. President, I have no fault to find with any Senators who sat in on the committee, certainly not the chairman of the subcommittee who has personally developed an interest in this, and certainly not the chairman of the full committee, nor any Members on either side.

But, why was not the formula which the Senator offered in good faith, found acceptable?

In the face of a unanimous Senate recommendation and without any indication of a contrary view by the other body it appears a bit out of the ordinary to have such a reasonable proposal as was tendered by the distinguished Senator from New Hampshire rejected.

It is time to face up to one's responsibility, instead of kowtowing and giving in to the Department of Defense without question, as has been done year after year?

Is Congress going to abdicate its responsibilities?

Is the military going to tell us what to do?

Is the civilian segment of this Government going to stand up and assert its responsibility and its authority.

I think it is about time. I think it is long overdue. I thought we were taking steps in that direction, but every now and again something happens which makes us regress.

All I can say is, steps will continue to be taken because the Constitution of the United States will be observed. It is the Constitution of the United States that counts, not the whims of any department or the whims of any man—and I am not speaking of the Secretary of Defense or of the President of the United States or any Member of the House or Senate.

Mr. McINTYRE. I thank the distinguished Senator from Montana. We will continue the struggle because I think it is important.

Let me just make clear for the record the nature of the proposal we offered to the House. It was a proposal which tried to distinguish between applied and basic research, using a strict relivancy test on the former and a test of "clear potential relivancy" on the latter.

I think that test should have been acceptable to the House conferees.

Mr. MANSFIELD. May I say that I have nothing but a feeling of gratitude and thankfulness towards all the Senate conferees, including the chairman of the subcommittee and the chairman of the full committee, and those who sat on both sides of the aisle, because I am certain that the Senate, with what time limitations it had at its disposal, did everything that could be done to achieve the unanimous will of the Senate which passed the amendment offered by the distinguished Senator from New Hampshire and myself by a vote of 68 to 0. I want to emphasize that zero because it is more significant than the 68.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield on the same subject the Senator from Montana is talking on?

Mr. STENNIS. I am happy to yield to the Senator from Wisconsin, and to any other Senator, to ask any questions they have, and then to yield the floor. I hope that the Senator from New Hampshire can get the floor at that time. However, I previously promised to yield to the Senator from Illinois (Mr. PERCY) first.

Mr. PERCY. I am happy to yield to the Senator from Wisconsin. Please go right ahead.

Mr. PROXMIRE. I thank the Senator from Illinois and the Senator from Mississippi.

Mr. President, I should like to call attention to a related matter on this same subject that the Senator from Mississippi and the Senator from Montana are discussing, and that is, as I understand it, the Senator from New Hampshire, in referring to the question of relevancy, a point that was not agreed to by the House, they felt, on pure research, there was no way in which we could get the relevancy—

Mr. McINTYRE. What does the Senator mean by "pure research"? Research covers a wide ground.

Mr. PROXMIRE. One reason I am raising it is that the Mansfield amendment, plus the independent research and development amendments which the committee put in, were affected by this decision on the part of the conference to agree to the relevancy question and left it in the hands of the Secretary of Defense to act pretty much within his own discretion. My reference to pure research, or fundamental or basic research, was that it could be done better by the National Science Foundation. It is my understanding that is what the National Science Foundation was created for.

Let me get a little further into the independent research. This was, in my view, gutted by the action of the conference committee. The bill as it emerged from the Senate Armed Services Committee, and as it passed the Senate, established a ceiling of $625 million on independent research. That represented a reduction from 1969 when there was a $759 million expenditure on research and development. That was one distinct contribution to limit independent research and development.

In the second place, the Senate required the Defense Department to negotiate an advance agreement with independent contractors with respect to research and development.

Third was the attempt by the Senate to close loopholes whereby funds disallowed for one category could be used in another category.

Is it correct that the conference committee eliminated the ceiling?

Mr. McINTYRE. The Senator is correct.

Mr. PROXMIRE. Mr. President, is the Defense Department required to negotiate advanced agreements with contractors?

Mr. McINTYRE. The Defense Department is required under the conference report to negotiate advanced agreements. The second part makes certain that the technical evaluation is performed. That is not a cursory matter as we have seen in the past, but is an intelligent searching through the brochures so that we will know as best we can what the particular company is doing on ongoing research.

Mr. PROXMIRE. How about the capacity to shift funds from one category to another?

Mr. McINTYRE. Funds may be identified as I.R. & D. or B. & P., as appropriate but, under the language as agreed in conference, the category of OTE was eliminated.

Mr. PROXMIRE. It was my understanding that the ceiling that the Senate adopted of $625 million was left out and no ceiling was included by the conference committee.

Mr. McINTYRE. That is correct.

Mr. PROXMIRE. That was the ceiling we agreed on.

Mr. McINTYRE. That $625 million was overall. That is gone.

Mr. PROXMIRE. It is my understanding that the $625 million referred to 50 large contractors.

Mr. McINTYRE. The Senator is correct.

Mr. PROXMIRE. That is gone?

Mr. McINTYRE. That is gone, the overall ceiling.

Mr. PROXMIRE. But there is a ceiling with respect to certain contractors. Which contractors are they?

Mr. McINTYRE. There is a ceiling to establish those contractors who are subject to advance agreements. It applies to those contractors who receive more than $2 million from DOD for independent research and development or bid and proposal.

Mr. PROXMIRE. But there is no overall dollar ceiling. So, the Senate conferees gave in on the relevancy factor, leaving the judgment to the Secretary of Defense, and they eliminated the dollar ceiling on independent research and development.

Mr. McINTYRE. The Senator is correct.

Mr. PROXMIRE. Mr. President, once again I pay tribute, as I have so often, to the Senator from New Hampshire. I think that he did a marvelous job in the committee and on the floor on this matter. However, I am greatly disappointed and depressed that the conference committee did not stand hard and fast on this matter.

It seems to me that we never get a satisfactory explanation, and neither does the public as to this enormous amount of money that the Federal Government pays every year for something vaguely called independent research and development. It has never been defined. We find that contractors are spending this money on various things that have not the slightest reference to military expenditures. We find that we are spending some of it on strictly commercial activities.

What these people with the big corporations are doing is having the Federal Government provide the money to maintain a stable of engineers that they can use in any way they wish. It is very unfair when they are competing with other private firms that do not have the advantage of having a defense contract.

I am happy that the Senator from New Hampshire has assured us that he is not giving up and that he will attempt in the future to get a clear definition and have some definite understanding on the part of Congress as to what is done with the money of the taxpayers of this country.

Mr. McINTYRE. Mr. President, let me say to the Senator from Wisconsin, since the Senator brought this to the attention of the committee last year, I believe, that we feel even with the disappointment of having to abandon this and having it watered down, we are nevertheless on the right track.

The Department of Defense has admitted to some of their failings. They are hard at work trying to get the matter under control.

We got a feeling of mutuality from the

House Committee when it came to technical evaluation.

Our committee will try to keep a sharp eye on it. We are making some progress along the lines that my friend, the Senator from Wisconsin, had hoped for when he brought this matter to our attention.

Mr. PROXMIRE. Mr. President, I have some other questions to ask on the C–5A. However, I will defer them at this time because the Senator from Illinois was kind enough to defer to me.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PERCY. Mr. President, I shall be very brief. I would like to comment on three particular sections of the conference report.

The first is with respect to the ABM. I congratulate the Senate conferees. Even though the conference report goes further on the Safeguard than I feel reasonable at this time, considering the possibility of an agreement in the SALT talks, I am pleased that the conferees have accepted the Senate provision on construction authority and the Senate language on limitation of deployment. I commend them for prevailing in this area.

Second, I would like to comment on the action of the conference report dealing with chemical and biological agents and their disposal. The conference report is very clear. The conference has accepted the amendment of the Senate that I had the pleasure of introducing. It had the general support of the chairman of the Armed Services Committee and the minority members of that committee as well.

I think we made a fine step forward here. Even though Secretary Laird has pledged that he would not dispose of chemical agents in the future without first detoxifying them, adminlstrations do change. It is important to put this provision in the law.

I have a question with respect to section 508, on page 9 of the conference report. This section indicates that the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time.

The original amendment I introduced—which was agreed to by a vote of 69 to nothing—called for a 25 percent reduction or approximately a $140 million reduction in fiscal year 1972.

The question I would like to direct to the distinguished chairman is asked because I have had since passage of the amendment such an overwhelming response from servicemen. Some have said that if we had instituted this procedure earlier, they would not have had to resign from the service and could have maintained a stable situation with their families.

In view of the favorable reaction I have received, does the Senator feel that by leaving out the specific 25-percent target, we could actually achieve a target greater than this figure and that the Secretary of Defense might not look on this as a limitation at all, but might try to achieve even greater permanency of duty stations so that the end result might be to reduce the budget by even more than the $140 million the Senate amendment would have provided for?

Mr. STENNIS. Mr. President, the Senator's exact question now is whether I think the Secretary of Defense's efforts here, as set forth, might even exceed the 25 percent reduction.

Mr. PERCY. The Senator is correct.

Mr. STENNIS. That involves a brief discussion of what we had before us in conference. There was considerable sympathy with the Senator's amendment. There were two things that mitigated against its being adopted, though, as hard law.

The first was the changes due to the situation in South Vietnam and the winding down of the program and how long it would take.

Frankly, I do not want to think about sending troops, but as the Senator knows, there is the Mideast matter. There is smoke there. The main thing was how sound was the figure of 25 percent. Before writing it into law the House conferees would not yield at all on that point but they did make the agreement I have reflected here, and it was thought that hearings diligently pursued would provide a sound basis for something specific, if that proved to be necessary. How far the Secretary of Defense can go or will go I canot say, but certainly we made a start on this matter and I think we will be able to continue it.

I thank the Senator again for his interest in this matter and the contribution he made here in presenting his amendment.

Mr. PERCY. Can the senior Senator from Illinois expect that the committee will follow this matter closely and ask the Secretary of Defense for detailed proposals on how to implement more economical change of duty station practices and insure that we will have sufficient followup. We are deeply interested. This amendment was agreed to in the Senate by a vote of 69 to nothing. I think the evidence was overwhelming, not only the evidence I presented, but there was the Fitzhugh report which corroborates this. It had made a study over many months. I have not found anyone in the military who disagreed with me. It seems a small change with respect to military assignments. This relates only to areas outside of Vietnam and combat areas.

Mr. STENNIS. I promise the Senator continued interest in this matter and to do what we can. We have already had a lot of large outstanding promises, though. I have found that a year is a mightly short time to redeem a great many promises, especially in the reform area. But I am interested in this matter and I think we will continue our efforts and hope for more results and certainly, we will continue our efforts.

The Senator mentioned the 69-to-0 vote. That is very true, but it was a 69-to-0 vote without any real tangible evidence on the effect of these matters and how it would operate and what problems would be created. So it is one of those things everyone is for until they get down to the nuts and bolts and see how it works. I hope the Secretary of Defense will push this matter and I think he will. We have a basis to make a contribution that is worthwhile.

Mr. PERCY. Last week I talked to the Secretary of Defense and he indicated one of the great problems is that 54 percent of the military budget goes for personnel costs and only 15 percent is available for strategic weapons system.

Mr. STENNIS. Yes.

Mr. PERCY. I am trying to find ways to reduce this tremendous cost where you cannot tangibly see an end result. If we can put the pressure on these items I think we can find better ways to spend our defense dollars.

Mr. STENNIS. I thank the Senator.

Mr. PROXMIRE. Mr. President, I wish to ask the Senator from Mississippi about the C–5A. But first I would like to ask an independent research and development whether he thinks it would be practical and possible to move toward making independent research and development a line item in the budget. One of the reasons we have not been able to get at it is that nobody knew there was this huge amount for independent research and development. We cannot get control over something that is this big—it is hundreds of millions of dollars—unless we have it designated in the budget specifically.

Mr. STENNIS. That concerns me, too.

I shall read to the Senator the few words I said with respect to that point:

> I firmly believe this entire matter should be kept under continual and intensive oversight by the Congress and I wish to give notice at this time that I intend to pursue this course of action.

I am trying to get to the point that we can have effective legislative oversight. I think that is more important than the dollars we spend. But I must say at this stage I do not think we could write in a line item requirement until we know more about the situation.

Mr. PROXMIRE. Certainly one way to get effective oversight is to have line items. Then we have testimony on it as to whether it should be higher or lower. We can demand and secure specific justification.

Mr. STENNIS. We discussed that and I think the Senator from New Hampshire will discuss it.

Mr. PROXMIRE. With regard to the C–5A, the Senator is well aware of the debate we had in the Senate on the C–5A and the fact that there would have been an overrun, in the judgment of the Air Force, of $2 billion; if we had gone ahead with the originally intended 120 C–5A's. It has become a matter of scandalous proportions in the eyes of many persons. Even Assistant Secretary of Defense Packard referred to it as badly handled procurement.

The Senator from Pennsylvania (Mr. SCHWEIKER) and I offered an amendment which was rejected by the Senate, largely on the grounds the committee had written in very tough language, which provided the $200 million to be given Lockheed over and above what was

in the contract would not be obligated until the Secretary of Defense had presented a plan to the Senate committee and the House committee and they had had an opportunity to discuss and consider the plan and give their advice and take whatever position they wished to with respect to that plan.

I understand that particular requirement has been dropped and the Secretary of Defense now simply has to announce what he is going to do, and in 30 days put it into effect.

There is no consultation with the Armed Services Committee of the Senate or of the House. In view of the make up of these committees and the highly competent Congressmen and Senators who are members of them, I think it is a reasonable provision that the appropriate committees have a chance to look at these things. In light of the history of the C–5A it seems most unfortunate.

Mr. STENNIS. There are two amendments on the C–5A funds. One just tied the money down exclusively to use on the C–5A itself and no other projects in which the Government could be involved. That restriction was kept; every word of it.

Mr. PROXMIRE. On that provision, how do we have any control if the plan with respect to spending this money is not submitted to the committee?

Mr. STENNIS. It is the duty of the Department of Defense to follow that money in the way the law says it shall be expended. I will answer that in a moment.

The second amendment said the plan had to be submitted back to the Committees on Armed Services of the two Houses. It was discovered by the House conferees that a similar provision had been vetoed by the late President Eisenhower on the ground that it was unconstitutional. It was further found that the Senator from Mississippi was the author of that amendment that President Eisenhower had vetoed. I had overlooked that. In the meantime we had them reporting back to the committees. They can only report back to Congress and that is the way it is changed. In the executive function of the committee, it is rather clear it cannot be delegated congressional authority.

Mr. PROXMIRE. Is it the interpretation of the chairman of the Committee on Armed Services that when this report is made the committee will examine the plan of the Department of Defense with respect of the C–5A; that the committee, if it chooses to do so, will have hearings on it and consider in hearings whether or not the $200 million is going to be spent entirely on the C–5A and whether it is justified?

Mr. STENNIS. Certainly we will have responsibility in that field but not a veto power unless we initiate something. We cannot just disapprove it and kill it. We have that responsibility to go into it, but not as strong as it was in the original Senate amendment.

Mr. PROXMIRE. What bothers me is I have been trying hard to get the Department of Defense to comment on a proposal for a new contract proposed by the Pentagon with Lockheed that would convert this from the present contract they have into cost plus contract.

This, of course, would result in an enormous loss to the taxpayer and would be a very, very bad precedent. It would mean in the future that if any defense contractor got into difficulty, he would be bailed out. The Defense Department, if that contractor got into trouble, because he bought in with a low bid could convert the contract into a cost-plus proposition.

I wonder, in view of the record that the Air Force has with respect to the C–5A, if the Senator from Mississippi could assure the Senate that when this plan comes before the Congress and 30 days are allowed before action by the Air Force, public hearings could be held so that some confidence could be established that the contract is a fair and honest one and is not to be at the expense of the taxpayer.

Mr. STENNIS. Until a showing can be made on this matter, I do not think I should be promising public hearings. Certainly, the committee has some responsibility to look into this matter and use its judgment.

Two things the Senator should remember: first, we have Mr. Packard in on this matter; and, second, the Defense Department and Lockheed know they are going to come back here next year for more money right along this line. I think that is a very practical part of it. I am expecting a very reasonable plan of some kind that will certainly protect the $200 million.

Mr. PROXMIRE. At any rate, the conference report provides that the $200 million will be provided to the Lockheed Corp. if the Defense Department thinks it should be; and there is no veto power on our part. The only action we will be able to take is with respect to the $600 million necessary to complete the C–5A program, and we will have an opportunity to act in the future on that portion of the C–5A funds.

Mr. STENNIS. Yes; Congress has that assurance as a minimum. We are not running out on anything, but I cannot promise now what the committee will do except to try to use our judgment.

Mr. PROXMIRE. Let me finally urge on the distinguished chairman that when this plan comes to the Congress, in view of the record, in view of what has happened on the C–5A, in view of its fantastic cost, in view of the fact that it has become a cause celebre throughout the country, the chairman give consideration to holding public hearings on the proposal made by the Air Force.

Mr. STENNIS. I thank the Senator.

Mr. President, I wonder if the Senator from New Hampshire is ready to proceed?

I yield the floor.

Mr. McINTYRE. Mr. President, I would like to comment on the actions of the House and Senate conferees as they pertain to the research, development, test, and evaluation portion of the fiscal year 1971 military procurement authorization bill. As you know, I was privileged to act as chairman of the Armed Services Committee's Ad Hoc Subcommittee on Research and Development, which conducted extensive and exhaustive reviews of this portion of the defense budget. Let me summarize the actions taken by the conferees in this area.

The Department of Defense requested $7,401,600,000 for R.D.T. & E. The House reduced this request by $136 million. The Senate reduced it by $464 million. In conference, a reduction of $300 million, halfway between the House and Senate reductions, was finally agreed on, resulting in an authorization of $7,101,600,000. At the insistence of the Senate, each of the reductions made was in the form of specified dollar cuts in individual programs, not in the form of the discretionary overall cuts favored by the House.

Measured in terms of the total dollars involved, the Senate got an even bargain.

When this bill was first reported to the floor over 2 months ago, I attempted to highlight the major actions taken by the committee in the research and development area. I cited eight budgetary cuts and three legislative provisions as worthy of individual treatment.

A number of these actions were indeed preserved in conference:

First. We eliminated the $15.7 million requested by the Army and Air Force for Project Mallard, thus terminating this terribly expensive and overly ambitious international communications program.

Second. We effected a $20 million reduction in the budget of the Advanced Ballistic Missile Defense Agency, thus insuring that our research on programs at the frontiers of ABM technology will be concentrated on high-priority projects, with special emphasis on hardsite development.

Third. We brought back our full reduction in the foreign area research programs of the Department of Defense, thus completing the 2-year restructuring of this portion of the defense budget in which we have been engaged. Now that Department of Defense activities in this area have been rationalized, future efforts will have to be directed at enhancing the role of the Department of State instead.

Fourth. And we also won conference approval of the dollar reductions and new curbs which we had placed on the Defense Department's chemical and biological warfare programs.

In addition to these Senate actions which were preserved, some other actions were compromised, and in such a way that the basic thrust of the Senate position was not completely lost.

First. While our reduction of $27 million in the Air Force's Minuteman rebasing program was completely restored, the restoration was made with the clear understanding that the money would not be used for the hard-rock silo program, our opposition to which had been the primary grounds for our cut.

Second. While our reduction of $15 million in the Army SAM–D missile development budget was reduced to only $6.2 million, this reduction in itself will serve to make clear the Senate's continuing concern both over the costs and also the ultimate need for this particular program. It will serve as a prelude to a further in-depth study of the program next year before engineering development is approved.

Third. And while our reduction of $33.6 million in the Air Force's SCAD, or Subsonic Cruise Armed Decoy, development was reduced to $23.6 million, our only purpose here had been to take away from the Air Force a substantial number of dollars which it was clear to us all along they would not be able to use during fiscal 1971.

But on the four most important issues facing the conference in the R. & D. area, decisions were reached which undercut the original Senate position. Let me emphasize that I in no way agree with the decisions reached by the conference in these matters, and that I argued very strongly and at length for the original Senate position.

First. The Cheyenne helicopter—the agreement to restore funding for the Cheyenne opens Pandora's Box. What is at stake here is far more than the $17.6 million requested by the Army for the program this year. Far more important are the $115 million of overall R. & D. funds still to be sunk in this program, the bail-out of the aircraft which Secretary Packard now intends as a result of Lockheed's failure to develop it under the present contractual terms, and the possible ultimate expenditure of over $1.5 billion for procurement of an aircraft we simply do not need. This is a helicopter whose cost will be $4.5 million each, whose survivability in the theater of operations for which it is programed is questionable, and whose availability will add little to our defense capability which would not be achieved by complementing our fixed-wing close support aircraft with Cobras configured with TOW missiles. I fully intend to continue my opposition to this system in the days ahead.

Second. The B–1 bomber—the restoration of $25 million of the $50 million cut by the Senate from the Air Force's B–1 request also bodes ill for the future. The purpose of the Senate reduction was to cause a slowdown in the plane's development, a slowdown which would have in no way jeopardized the plane's presently planned IOC date, but which would have insured a careful review of the aircraft's specifications before full-scale engineering development was initiated. Such a slowdown and review were justified, I believe, because the B–1, as presently configured, simply can not be built for the $29.0 million estimate per copy which the Air Force presented to us during briefings earlier this year. It was my hope that changes in the plane's specifications would result from the intended review and that these changes, while not affecting the B–1's ability to perform its mission, would significantly reduce its costs. Special attention needed to be directed, in my opinion, to the possibilities of reducing the aircraft's supersonic speed capability, increasing its stand-off missile lauching capability, and decreasing its presently planned payload capacity.

There was another aspect, also, to the concern I felt over the B–1's long-range costs—the magnitude of the tanker costs likely to be associated ultimately with the B–1 program. My concern in this regard had been awakened by the request of the Air Force, in its initial budget presentation, for $500,000 to pursue further studies on its new tanker needs. This concern was by no means put to rest by the Air Force contention, at the time of floor debate on this bill, that the KC–135's service life would last until the late 1980's and that my fears about the need for a new tanker were the product of a misunderstanding.

Recent events have only served to underscore the validity of my earlier concerns.

As far as B–1 unit costs are concerned, the Armed Services Committee has just received the latest selected acquisition report—SAR—on the aircraft, dated September 14, 1970. In that report, issued only 3 months after the award of an engineering development contract on the aircraft to North American Rockwell, the Air Force estimate of total program cost has increased from $9.3 billion to $10.1 billion, with unit production cost estimates rising from $29.2 million to $30.8 million. If this is the product of 3 months work, what is going to occur over the remainder of the year, and during the next several years remaining before a production decision is required? I deeply fear that this is not the end, that these are only points on a steadily rising curve.

Light has been shed recently on the tanker problem also. The Armed Services Committee, in view of the Air Force contention that a misunderstanding existed on the tanker problem, eliminated the new tanker study funds originally requested. In its reclama to the conferees, the Department of Defense asked for a restoration of these funds, claiming that studies of new tanker possibilities were essential after all.

The conferees restored these funds for tanker studies. I hope that they will provide a more accurate picture of our tanker needs when the next budget cycle begins. I hope, too, that the Air Force will not regard the restoration of $25 million of the Senate's $50 million B–1 cut as an invitation to proceed full steam ahead on the aircraft's engineering development. I hope that its attention will be focused instead on the $25 million cut which was sustained and that this cut will lead to a careful program review while changes in the aircraft's specifications can still quite easily be made.

The B–1 may well turn out to be an essential strategic system. We must certainly proceed now with its orderly development. But we must also do all we can to assure its availability at a cost within our means.

Third. The conferees also made several changes in the language contained in the Senate bill pertaining to Department of Defense funding of its contractors' independent technical efforts program. The most significant change made was an elimination of the $625 million overall ceiling contained in the Senate bill.

Whether the elimination of this ceiling bodes well or ill, only time will determine. I have no doubt that the ceiling, had it been retained, would have saddled the Defense Department with a significant new administrative burden. I have no doubt either, however, that the ceiling could have been satisfactorily administered and that some action is required to curtail the runaway growth in overall program costs which has occurred over the last 5 years.

Elimination of the ceiling will give the Defense Department another opportunity to set its own house in order. The committee has been told that the services' estimates of total program costs for calendar year 1970 are $656 million. The committee will watch carefully to determine whether this goal is met when 1970 figures are reported to it next March. The provision passed by the conference is such that a ceiling could be incorporated in it next year should such action then appear warranted.

In determining whether further legislation is warranted in this area next year, the committee will watch also the progress made by the Department of Defense in putting into operation the plan it proposed during its testimony to Congress this year. Nothing in the conference-approved legislation is inconsistent with this plan.

Fourth. Finally, the conferees made major changes in sections 204, 205, and 207 of the Senate bill, all of which were designed to influence our national science policy.

The relevancy test contained in section 204 was greatly watered down. While some change in the section's language might well have been warranted in light of the misunderstandings it had occasioned over the past year, the change actually made can be construed as an abdication of serious congressional interest in this particular matter.

Perhaps more important is the elimination of the Interagency Council on Domestic Applications of Defense Research, provided for in section 205 of the Senate bill. This Council could have made a major contribution to converting the resources of defense industry, many of them languishing amidst the present budget cutback, to the solution of unmet domestic needs.

And also very disappointing is the modification of section 207, the NSF research amendment, in such a manner that the call for an increased NSF role is reduced from a clear congressional mandate to the executive branch to a muted statement of an incontestable basic principle.

Basic scientific research is essential to the long-range security and prosperity of our country. Continual concern with the course of our national science policy will be required of all Members of Congress in the days ahead.

Mr. President, I have dwelled at length on these last four issues, on which the Senate view did not prevail, because I regard them as issues which cannot be allowed to fade into oblivion at this time. We will hear more about each of them, I am sure, during the course of next year's budget cycle.

The R. & D. subcommittee has focused on these issues, Mr. President, not solely—or even primarily—out of a desire to effect large dollar reductions in our overall defense spending. If this were the prime objective, it could be achieved far more readily and with far less work simply by calling for a broad spending

clash, its implementation to be discretionary with the Defense Department.

But while our defense spending must be reduced, it must be reduced wisely, in a manner which will assure us an adequate national defense. And the secret of such a defense—to a very large degree—depends less on the amount of money we spend than how we choose to spend it. If we choose wisely, I think we can make further reductions in our present defense budget which will not jeopardize one whit our vital national interests. But if we chose poorly, we could actually endanger our security while increasing defense spending.

I fear that too much attention has been focused in recent years on the size of our defense budget and too little on the composition of it. To an extent, this is the natural aftermath of our frustration with the Vietnam war and our newfound tendency to question and even distrust the military.

But understandable as this tendency may be, it is also dangerous. We still live in a hostile world environment, as recent Soviet activities in the Middle East and Cuba demonstrate only too well. It would be wishful thinking of the worst sort to assume that we do not need a strong defense posture in order to meet this threat.

A fully adequate defense posture at the minimum reasonable cost—this has been and will be the goal to which the R. & D. subcommittee is devoted. We will continue to probe strongly at defense programs of questionable merit, knowing that hard decisions are necessary and that when their real cost implications are recognized, we cannot hope to support all the programs now in the R. & D. pipeline. But we will not hesitate either to defend those pipeline programs which on their completion we will badly need.

In conclusion, Mr. President, I would like to make clear that the disappointments I have just expressed are in no way a reflection on the leadership provided in conference by the distinguished chairman of our committee (Mr. STENNIS). The Senator from Mississippi had an arduous and difficult task which, as always, he performed quite admirably. He argued long and hard for the Senate position on each of the important issues which I have just discussed. He could not reasonably hope, any more than I could, to prevail on all of the issues on which the Senate had stated its case. And when the pressures of time loom large, the advantage always lies on the side of those who seek a preservation of the status quo. I am sure that my chairman remains, as I am, dedicated to the task of an even better effort in the year ahead.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from New Hampshire for the outstanding work he has done in the subcommittee having to do with research and development. I know how meticulous, how careful, how conscientious, how patriotic he has been, and I just want to state for the RECORD how much I admire his integrity and his dedication.

I also want to thank the distinguished chairman of the committee, who has worked long and hard, who also has been very meticulous in his application, who has established new procedures through the setting up of subcommittees to consider certain important areas specifically and in detail.

Under the chairmanship of the distinguished Senator from Mississippi since he has assumed that responsibility, we have seen decided cuts in the budget proposals made by the administration and more time spent in hearing witnesses and carrying on surveys and making inquiries.

As far as I am concerned, I am going to vote for the conference report. Naturally, I am disappointed in what happened on the research and development amendment. I blame no one for it. The effort has not ended and I still expect that we will be more successful and bring about an alinement not only in what is necessary for military and scientific development—and a lot of it is—but also in that which can be allocated to the National Science Foundation and other civilian agencies engaged in basic research, in that way carrying out the basic purposes and intent of Congress, as I am sure all my colleagues in this Chamber will agree.

Again, my sincere thanks to the distinguished Senator from New Hampshire and also the distinguished Senator from Mississippi, chairman of the committee, as well as all members of the committee, who I think have worked so diligently on this matter.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, the Senator from New Hampshire has the floor; has he not?

The PRESIDING OFFICER. The Senator relinquished the floor.

Mr. PROXMIRE. Mr. President, just one question.

Mr. STENNIS. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. This will take only a minute or two.

Mr. President, I have discussed the possibility of providing for a line item authorization for independent research and development. I realize the difficulty, but I am very hopeful that the ingenuity of the Senator from Mississippi and his committee will find a way to do that.

I ask the Senator if it would be possible to line-item the entire bill, weapon by weapon and item by item. I know that the chairman of the committee (Mr. STENNIS) inquired of the Defense Department about writing a bill in line-item fashion some time ago, but the Defense Department said that under their current accounting system, it would create a hardship to immediately impose a line-item bill upon them.

But I wonder if it would be possible to look forward, perhaps next year, to a line-item bill, with weapons systems specified by line-item, similar to every other authorization bill that we have before the Senate. It seems to me this would give us far greater opportunity for effective oversight, by enabling us to pick up the various weapons systems and discuss what we wanted to do with reference to specific amounts.

Mr. STENNIS. Mr. President in response to the Senator from Wisconsin—and I have to be brief, because others want the floor—he has certainly correctly stated the situation. I wish we could have a line item system also; but I am convinced that the line item system would not be as simplified as it is in the ordinary bill, or as the Senator from Wisconsin might think.

The preparation of the bill is tied to this accounting system, as the Secretary of Defense has now made it clear, and it would require some time to make a change. But as a substitute, we deliberately set out, in effect, to give every Senator a line item lead and line item information in the testimony and in the committee report; and I think we have made some considerable headway on that. This we expect to continue to do, and will follow it up even further next year.

Our report this year, just by quick reference, was 121 pages in length, and had many, many pages of these itemized, detailed dollar amounts spelled out, not only for this year but for last year's program.

Mr. PROXMIRE. The report was very helpful and highly competent, but I, once again, want to emphasize the fact that there is no substitute for a line-item bill. I think this would afford much better possibilities for effective oversight, and I do hope that the Senator will work with the Defense Department along that line. I realize they have an accounting problem, but this is giving them a notice of 6 or 8 months, and I would think they could adjust their acounting system in that length of time and present a line-item bill, so that Congress can do its proper job, which is to control the purse. This is, after all, by far the biggest and most important authorization bill we have.

Mr. STENNIS. Mr. President, I am hopeful something can be done along that line. It would be helpful to the Senate, without question.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I am confident that the conference committee brought in an excellent report. It is not everything the Senate wanted, and not everything the House wanted. A conference report is generally a compromise.

In order to save time, I ask unanimous consent that a brief statement by me be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND

Mr. President, I rise in support of the Conference Report on H.R. 17123 which authorizes appropriations for Fiscal Year 1971 to cover the costs of military procurement and research and development.

The conferees selected Rep. L. Mendel Rivers, Chairman of the House Armed Services Committee, as chairman of the conference. The Senate conferees were headed by our distinguished chairman, Mr. Stennis of

Mississippi, and fought hard for the provisions of the bill as approved by the Senate.

Of course, Mr. President, it was not possible for all of the provisions of the Senate bill to be upheld, but in my opinion we have brought back to the Senate a good bill.

The bill, as agreed to in conference, totals $19.9 billion. This represents $676 million less than the bill as it was presented to the Congress by the Defense Department.

Mr. President, I urge the Senate to approve this legislation. In my opinion it represents the bare minimum to preserve the national security of this country. Frankly, the Congress is moving perilously close to crippling our military establishment. I just pray that we are doing enough in national defense, and that generations to come will not suffer as the result of any mistakes which may be made today in the area of military preparedness.

Mr. THURMOND. Mr. President, the managers on the part of the House made a rather complete statement setting out the controversial points, stating the position of the House and the position of the Senate, the final action taken, and the reasons for such final action. That statement appears in the conference report beginning on page 11 and ending on page 33. I ask unanimous consent that that portion of the report be printed in the RECORD at this point.

There being no objection, the excerpt from the conference report was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

Prior-year funds

Included in the Department of Defense fiscal year 1971 authorization request were items identified as "Prior Programs to be Justified" involving both procurement and R.D.T. & E. accounts for each of the several Services and Defense Agencies.

The bill as passed by the House of Representatives deleted the $334,800,000 of new authorization requested by the Departments for these various older programs. The Senate concurred in the House action in denying the Department's new request for new authorization in the amount of $334,800,000. However, in addition to concurring with the House action, the Senate was of the view that the Department of Defense had failed to identify or rejustify these various prior year programs for which these amounts had previously been made available but not yet obligated. Further, it was established that these unobligated funds would not be used until some time after Fiscal Year 1971.

In view of these circumstances, the Senate in addition to agreeing with the House reduction, also reduced the requested new obligational authority by the same amount in view of the availability of these prior year funds for use during fiscal year 1971.

Although the Department of Defense objected to this Senate action as representing a departure from the "full funding" concept to the "incremental funding" concept, it was unable to persuade the conferees that this action would adversely affect procurement or research and development of the Department. Therefore, the House accepted the Senate action.

The various reductions in affected programs had previously been outlined in the Senate Report, No. 91–1016, and result in a reduction in the authorizations provided for departmental programs throughout titles I and II of the bill as agreed to by the conferees.

AIRCRAFT

Navy and Marine Corps

For the Navy, the House authorized $79 million for the procurement of the S–3A ASW aircraft. The Senate deleted all procurement funds for the S–3A but provided a corresponding amount, $79 million, for research and development on the aircraft.

The conferees agreed to restore the $79 million to the procurement account. This matter is discussed further below in the review of the conferees' action on Navy research and development programs.

The Senate recedes.

Air Force

The House bill had provided a $30,000,000 authorization for appropriations for Fiscal Year 1971 for an international fighter aircraft. The Senate denied this request. However, after considerable discussion, the Senate receded from its position and the conferees restored the $30,000,000 authorization.

The Congress, in the fiscal year 1970 weapons authorization law (Public Law 91–121) authorized to be appropriated $28,000,000 to initiate procurement of a Free World fighter aircraft. The intention of the Congress was to make available a fighter aircraft to meet the needs of the Free World Forces in Southeast Asia, and to accelerate the withdrawal of United States Forces from South Vietnam and Thailand.

The statutory language authorizing the initiation of this procurement stipulated that the Air Force shall "prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense."

The conferees, in taking this action last year, emphasized their support of the request of the Deputy Secretary of Defense that "necessary adjustments" be made in "the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new Free World fighter aircraft by the Air Force."

The Secretary of Defense, at that time, also emphasized his conviction that this type of aircraft should be made available as quickly as possible to Free World Forces when he said:

"For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (*a*) have adequate capabilities to handle the existing threat, (*b*) be as inexpensive as feasible, and (*c*) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.

"Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.

"In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, defending against the potential North Vietnamese MIG threat."

In view of these circumstances, the Congress endorsed the action requested by the Department of Defense and provided the necessary authority for the initiation of this vital program in fiscal year 1970. However, despite the fact that the need for this type of aircraft has grown more acute, no final action has yet been taken by the Department of Defense to go forward with this procurement action.

The conferees neither appreciate nor understand the "foot dragging" that is evidently taking place in both the Department of Defense and the Air Force on this vital program.

It should not be necessary to point out that the Nixon Doctrine for providing independent nations with the equipment and weapons necessary to guarantee their independence, requires that we have available a simple and relatively inexpensive fighter aircraft. Such an air weapons system must be made available at the earliest practicable date if we are to safely withdraw United States Forces now operating and maintaining our own fighter aircraft in Southeast Asia. The availability of this type of aircraft is, in the view of the conferees a matter of the greatest urgency and should, in our national interest, be accomplished as expeditiously as possible.

The conferees, therefore, in authorizing an additional $30 million for this program, suggest and urge the Secretary of Defense to personally resolve whatever remaining problems may have heretofore prevented the Air Force from going forward with this procurement action so that these aircraft can be made available to our Free World allies as soon as humanly possible.

The conferees are unaware of any legal or procedural problem that would prevent the Secretary of Defense from reaching a final decision on this procurement action. Therefore, it is expected that such a decision will be forthcoming from the Secretary without further delay.

MISSILES

Army

The House bill in its authorization of funds for procurement of missiles for the Army provided $660.4 million for the SAFEGUARD antiballistic missile system. The House authorization included $25 million for the advance preparation of five sites for the Modified Phase II deployment. The Senate bill provided $650.4 million for procurement for SAFEGUARD and added language which prohibits the expenditure of funds for initiating deployment of an antiballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Mo., except that funds could be authorized for initiating advance preparation for an antiballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyo. The Senate provision specified that it was not to be construed as a limitation on further obligation or expenditure of funds in connection with the continued deployment of the ABM system at Grand Forks Air Force Base, N. Dak., or Malmstrom Air Force Base, Great Falls, Mont., the two sites where deployment was commenced under the authority of the fiscal 1970 authorization and will be continued under the authorization in the present bill. The Senate language in effect prohibits the advance preparation for four sites as authorized by the House bill and limits the deployment of the Safeguard system to the protection of strategic missile deterrent. The

Senate conferees were adamant in their position.

In accepting the Senate amendment, the House conferees want to make very clear and to emphasize their belief that adequate protection of the national command and control function is essential to our security, and the House conferees interpret the conference action as not prohibiting follow-on studies of present and future programs to assure the survivability of this vital element of our national defense.

Section 401 of the Senate bill included authorization for military construction in connection with the Safeguard system in the amount of $334 million, of which $8.8 million is for 400 units of family housing (200 at Malmstrom and 200 at Grand Forks), $322 million for Safeguard-related construction at the approved Safeguard sites and other installations, and $3.2 million for construction at Kwajalein. The House bill contained no such construction authorization. However the House has already approved identical dollar amounts for military construction in connection with Safeguard in its passage of the military construction authorization bill, H.R. 17604. Therefore, the House recedes.

The House bill authorized $90.3 million for procurement of the Improved Hawk missile. The Senate bill reduced the authorization for the Improved Hawk to $53.3 million, a reduction of $37 million. The conferees agreed to an authorization of $81.4 million, a restoration of $28.1 million of the proposed Senate reduction.

The Senate reduction would have deleted all of the funds for procurement of missiles during fiscal 1971, leaving only the funds for continued modification of ground-support equipment and separate engineering services.

Such action might well have resulted in a 6-month break in production, with added program costs. At the urging of the House conferees, therefore, the Senate agreed to the restoration of the $28.1 million, which is consistent with the Army's requirements under a revised procurement plan which calls for a stretchout of the initial production rate to reduce concurrency to the minimum.

In agreeing to the restoration of these funds, it is the intention of the conferees that the procurement for the fiscal 1971 buy not be consummated until the successful completion of a testing program to ensure the operational readiness of the missile subject to the approval of the Secretary of Defense.

In its request for missile funding the Army included an amount of $106 million for the Tow which is one of the Army's heavy antitank weapons. The Army has in its inventory another heavy antitank weapon (the Shillelagh missile) which, in range and lethality, is equal to or superior to the Tow and is presently in production at a price less than the Tow. Although the Shillelagh was developed to be fired from tanks, it can be adapted to a ground mode for the use of infantry troops or to a heliborne mode.

The House Committee felt that if this adaptation could be accomplished within a reasonable timeframe and at an acceptable cost, it would result in an eventual significant savings in present and future procurement of such a weapon. Therefore, the Committee approved an amount of $106 million, not specifically for the Tow, but for a *heavy antitank weapon*, provided the Army (1) conducted tests to determine the adaptability of the Shillelagh to the infantry and heliborne modes, and (2) if affirmative results were obtained, awarded a contract for the Army's total requirement for such missiles to the low bidder in a competition between the producers of the Tow and the producers of the Shillelagh.

Although the Army did not perform the aforesaid tests, they advised the Committee that they had conducted a special and intensive reevaluation of the Tow and Shillelagh systems for the infantry and helicopter roles. The results of this review established to the satisfaction of the Army that each of these weapons should be continued in their presently developed modes. Therefore, at the request of the Senate conferees, the House recedes from its provisional approval of the $106 million for a *heavy antitank weapon* and agrees to authorize that amount for Tow funding.

Navy and Marine Corps

The House bill authorized $52.7 million for the procurement of the Sparrow missile for the Navy. The Senate bill authorized $46 million, a reduction of $6.7 million.

The House recedes.

The House bill authorized $25.6 million for the procurement of the Improved Hawk missile for the Marine Corps. The Senate bill authorized $10.8 million, a reduction of $14.8 million. The missile is procured for the Marine Corps by the Army. In view of the recently revised procurement program under which the Army is proceeding, procurement of the Improved Hawk missiles for the Marine Corps could not be reasonably expected to commence until well into FY 1972. Therefore, since it appeared that money would not actually be required until 1972 for the Marine Corps the House conferees agreed to the Senate position.

The Hous recedes.

Air Force

The House bill eliminated all procurement funds for the Maverick missile and called for extending the development phase for another year to allow further development prior to procurement. The Senate restored $3.1 million of the House reduction. The $3.1 million will allow retaining present contract options and the production price advantages of the current contract while additional testing is performed.

The House recedes.

The House bill authorized $15 million in procurement funds for modification of the Falcon missile. The Senate bill had denied the $15 million. The conferees agreed to a restoration of $6 million.

Naval Vessels

The House included $152 million for the advance procurement of the third *Nimitz*-class nuclear-powered aircraft carrier (CVAN-70). The Senate bill deleted these funds because the President in submitting the budget indicated that funds would not be obligated until completion of a study in process to assess future requirements for attack carriers. The Conference Committee reaffirmed the findings of a Joint House-Senate Subcommittee on CVAN-70 that this new carrier is needed. However, because of the singular treatment of this carrier in the President's budget message by making a condition of the building of the carrier dependent upon the outcome of a study being undertaken by the National Security Council and because the Administration, despite many pleas, has failed to make a final decision on the carrier, the Conference decided not to include the advance procurement for the CVAN-70 in this year's authorization bill. This is without prejudice to any action in future years.

The House recedes.

The House added on to the Naval vessel construction request of the President an additional $435 million for new construction for the Navy. These additional funds will provide: one fast submarine (SSN-688 class), $166 million; long lead time procurement for an additional such submarine $22.5 million; one submarine tender, $102 million; one destroyer tender, $103 milion; two oceanographic research ships, $7.5 million; and landing crafts, $10 million and service craft, $24 million. The Senate bill contained no such additions but approved a Naval construction program as requested by the President with the exception of the aforementioned CVAN-70 funds which were deleted by the Senate.

The additional ship construction items authorized by the House bill were designated by the Secretary of Defense as the first priority should additional funds be made available by the Congress for the Department of Defense.

The House conferees were able to convince the Senate conferees of the necessity for this additional ship construction program in view of the critical state of the Navy, and this additional $435 million was therefore retained in the bill.

The Senate recedes.

The House bill included language which would have required that $600 million of the funds authorized for Naval vessels would be authorized to be appropriated only for expenditure in Naval shipyards. The Senate bill contained no such provision. In view of the fact that the Department of Defense and the Navy strongly objected that the limitation was unworkable, the Conference Committee agreed to eliminate this provision.

The House recedes.

The House bill included a provision that no funds should be spent for shipbuilding until the National Security has made its report to the President with respect to the nuclear attack aircraft carrier CVAN-70. The Senate bill had no such provision. In view of the elimination of the funds for the advance procurement for the CVAN-70, there is no further necessity for this provision.

The House recedes.

The House bill included a provision that would require the construction of the new DD-963 class destroyer at the facilities of at least two different United States shipbuilders. The Senate bill had no such provision. The addition of this language was designed to make the Navy aware of the Congressional intent that the private shipbuilding industry be encouraged on the Atlantic Coast, the Gulf Coast and the Pacific Coast. The Senate conferees were adamant in their opposition to this provision.

The House recedes.

Tracked combat vehicles

The M60A1E2 tank is a modification of the M60A1. This modification consists primarily of a new turret and barrel which permits the firing of the Shillelagh missile and the 152mm caseless round. This is the same basic firepower to be incorporated in the Main Battle Tank presently being developed.

The Army has invested more than a quarter of a billion dollars in the M60A1E2 development and the program has been plagued with problems of stability and maintainability for the past five years. However, recent test results suggest that fixes for these problems have been found, and that this can be finally determined by the Engineering and Service Testing which the Army has scheduled for the near future.

The Senate deleted the $12.1 million which the Army requested this year to continue the testing of the M60A1E2. This action would have ended the program just when there is reason to believe that it may prove successful. The House conferees felt that such action would result in the loss of almost a quarter of a billion dollars plus five years of effort and might deny the Army an interim missile firing tank which it states it urgently needs pending the deployment of the new Main Battle Tank during the late seventies and early eighties. Therefore, at the request of the House conferees the Senate conferees receded from their position and the $12.1 million was restored. However, it was the decision of the conferees that there should be no further funding of the M60A1E2 unless the Engineering and Service Testing to be completed in 1971 establishes that the fixes proposed for this tank meet the needs of the Army.

The Army requested $67.6 million for fiscal 1971 for M60A1 procurement. The Senate reduced that amount by $10.9 million which represents the cost of 150 tank chasses which was expected to be recoverable from the M60A1E2 program which would have been terminated by the Senate action discussed above.

With the restoration of the M60A1E2 program by the conferees, the 150 tank chasses were no longer available for the M60A1 program. Therefore, at the request of the House conferees, the $10.9 million was restored.

The Senate recedes.

The House approved a Marine Corps request in the amount of $1.3 million for a training device to be used in connection with a new amphibious vehicle under development. Subsequently, the Marine Corps recommended deferral of this $1.3 million because development of the training device has not been completed. Therefore, the Senate deleted this amount and the House conferees agreed to such deletion for the above-stated reason.

Other weapons

The House bill contained a provision that none of the funds authorized shall be obligated for the procurement of M–16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources will continue to be available in the United States during fiscal year 1971. The Senate bill contained no such provision.

The Senate conferees agreed to the position of the House with the understanding that in the coming year, both Houses will give attention to developing permanent policy looking beyond fiscal year 1971 on the question of having an adequate industrial capacity for meeting procurement requirements of this kind, taking into account contingencies that might arise.

TITLE II—RESEARCH AND DEVELOPMENT

General

Both the Senate and House modified the Research and Development budget request submitted by the Department of Defense. The original request of the Department of Defense totaled $7,401,600,000. The conferees agreed upon $7,101,600,000, or a reduction of $300 million below the amount requested by the Department of Defense. The amount agreed upon is $164 million less than that previously approved by the House and is $164.1 million above the amount recommended by the Senate.

ARMY

For the Army, the conferees agreed upon a total of $1,635,600,000. This reflects a reduction of $100,300,000 below the departmental request and is $10 million less than was authorized by the Congress last year.

In its initial consideration, the House reduced the Army Research and Development authorization by $88 million, leaving flexibility with the Department of Defense to apply the reductions on the basis of military priorities.

The Senate, in its review, reduced the Army authorization by $126.7 million, specifying reductions to be taken in some sixteen projects. The specific program reductions are spelled out in the Senate Report (No. 91–1016). The conferees agreed to accept the Senate reductions on all of these projects except the Cheyenne helicopter and the SAM–D missile.

In the case of the Cheyenne, the Senate receded from its position and restored the full $17.6 million requested by the Department.

For the Sam-D, the Senate receded on $8.8 million of the $15 million in disagreement. The conferees authorized appropriations totaling $83.1 million for the Sam-D program.

Close Air Support—Roles and Missions

During the conference it was brought to the attention of the conferees that a roles and missions question has arisen concerning close air support for the Army. The allegation has been made that there is competition for this mission between the Harrier aircraft, the Cheyenne helicopter and the proposed AX aircraft. The House conferees want to make their position perfectly clear and state unequivocally that they see no competition among these aircraft. The House conferees agree with the decision of the Deputy Secretary of Defense that these weapon systems are complementary and not competitive.

Main Battle Tank (MBT–70)

While not an item in disagreement, the House conferees are concerned about the austere support proposed by the Army for the gas turbine engine development for the Main Battle Tank (MBT–70/XM803). The proposed engine program for this tank of the future supports a "derated" diesel engine. Diesel engines of the type being developed for this important weapon system are based on technologies of the 1950's, or early 1960's, rather than the technology of this decade.

The House conferees question the wisdom of relying on past technology for weapons systems of the future rather than capitalizing on the latest technology available and that which offers greater growth potential in the future. For this reason, the House conferees strongly urge the Army to proceed with the development of the gas turbine engine for the Main Battle Tank on a basis at least equal to that of the derated diesel engine development program.

NAVY AND MARINE CORPS

The conferees agreed on $2,156,300,000. This amount is $56 million below the Departmental request and is $41 million below the amount previously recommended by the House.

In its report, the Senate identified some thirteen programs for adjustment. In the case of the S–3A aircraft, $79 million submitted in the Procurement authorization request was transferred to Research and Development because the two aircraft which the funds would buy are required initially for development and test. The Senate expressed concern that ". . . concurrency of research and development and procurement is to be avoided, and that a more orderly progression is to be achieved to insure that technical problems have been minimized by the time production is started."

The conferees agreed to leave the $79 million in the Procurement authorization with the clear understanding that these two aircraft were to be treated as Research and Development test aircraft and the action is no to be interpreted as approval for release to production of the S–3A aircraft.

The conferees urge that the Secretary of Defense consider the use of the transfer authority to transfer $79 million for the S–3A from Procurement to the R.D.T. & E. appropriation consistent with the use of these funds.

Of the remaining 12 programs adjusted by the Senate, the conferees agreed to restore the following amounts to the programs indicated:

	Millions
Defense research sciences	+$2.3
Destroyer helicopter system	+5.0
F–14B/C	+5.2
Air launched/surface launched anti-ship missile (Harpoon)	+14.0
Point defense system development	+3.8
Advanced surface ship sonar development	+.7
Surface effect ships	+10.0

The funds restored for the F–14 aircraft program are to support the development of the advanced technology engine and are not to be used for the development of the avionics package for the F–14C aircraft.

AIR FORCE

For the Air Force, the conferees agreed on an authorization totaling $2,806,900,000. This reflects a reduction of $120,800,000 from the amount requested by the Department of Defense. The amount agreed upon by the conferees is $102.8 million below that previously authorized by the House.

The Senate, in its report, identified sixteen programs for reduction in authorization amounts. The conferees agreed to restore all or portions of the reductions on ten programs as follows:

	Millions
Innovations in education and training	+$0.2
Advanced fire control/missile technology	+2.8
Subsonic cruise armed decoy (SCAD)	+10.0
Advanced tanker	+.5
B–1	+25.0
F–111 squadrons	+6.4
Short range air-to-air missile	+5.0
Minuteman rebasing	+27.0
Armament/ordnance development	+7.0
Truck interdiction	+5.0

During the past year, there has been widespread criticism, discussion and debate concerning the schedule slippages and cost overruns of military hardware contracts. While some of the criticism has been justified, it is important for everyone to obtain a better understanding of some of the reasons why cost overruns sometimes occur and by reasons beyond the control of the parties immediately concerned.

The contract that best serves both the public and contractor interest is that one which is funded at a rate which produces the maximum return for each dollar spent. When a contract is funded at either a greater or lesser level than the optimum, waste inevitably results and that waste is accompanied by schedule slippage. That is the beginning of the cost overrun.

Thus, in the case of the B–1, the House supported a Defense Department recommended funding level of $100 million for fiscal year 1971. That sum was reduced to $50 million by the Senate. In spite of urging by the House conferees, the Senate conferees did not agree to the restoration of the full sum. Thus the seeds of cost overrun have now been sown in this weapons system and the House conferees, therefore, give fair warning of this unfortunate fact.

The $6.4 million for the F–111 had been deleted by the Senate because these funds had been identified for use on the AIM–7G missile, which was later determined not to be required in fiscal year 1971. The Senate agreed to restore these funds to support development of the F–111 Aircraft.

In the case of the Short Range Air-to-Air Missile, a total of $13 million was agreed upon by the conferees to be authorized. This amount will enable the Air Force to pursue three alternatives to meet their requirement resulting from the recent Air Force cancellation of the AIM–82 program.

The Senate Conferees agreed to the full restoration of $27 million for Minuteman rebasing with the understanding that the reoriented program would exclude efforts previously planned for hard rock development.

In the case of Armament/Ordnance Development, the Secretary of Defense advised that technical difficulty has precluded develmopment of the Hard Structure Munition in Fiscal Year 1971 but that the funds would be applied to other munitions development. The Senate conferees agreed to restore these funds upon the redirection of this program.

DEFENSE AGENCIES

For Defense Agencies, the conferees agreed on an authorization totaling $452,800,000. This amount is $22.9 million less than that requested by the Department of Defense and is $7.9 million below the amount previously recommended by the House.

In its earlier report, the Senate identified several program areas for reduction. The conferees agreed to restore $7.8 million of these reductions to the Advanced Research Projects Agency (ARPA). This restoration of authorization would be applied to the Defense Research Sciences program in the amount of $4.8 million and to the Advanced Engineering Program in the amount of $3 million.

Independent Research and Development

The Senate adopted language in Section 203 which provided for the following:

(a) Restricted payments to contractors for independent research and development (IR&D), bidding and proposal (B&P) and other technical effort (OTE) work which is relevant to Defense functions and operations.

(b) Required negotiation of advance agreements with all contractors who received more than $2 million in IR&D, B&P, or OTE in their last preceding year.

(c) Required that negotiations of advance agreements be based on submitted plans and a technical evaluation of the IR&D portion of those agreements.

(d) In the event negotiations are held with any company required to enter into an advance agreement, but no agreement is reached, reimbursement would be made in an amount substantially less than the contractor otherwise would have been entitled to receive.

(e) The Department of Defense was required to report to Congress with regard to IR&D, B&P and OTE expenditures.

(f) Established a ceiling of $625 million on payments to be made pursuant to advance agreements negotiated under the act, and

(g) Repeal of Section 403 of the fiscal year 1970 act which limited payments for IR&D, B&P and OTE to 93 percent of the total cost contemplated by the Department.

The House version of the bill contained no comparable language.

Early this year a House Armed Services Subcommittee held hearings and issued a report on IR&D. The Subcommittee concluded that the control of defense expenditures for IR&D, B&P and OTE could be achieved through improved administration, coupled with adequate oversight, rather than through legislation. The recommendations of the Subcommittee were similar to the Senate language with the exception of the establishment of a ceiling and the section regarding relevancy.

The Senate conferees maintained that greater congressional oversight was necessary to assure adequate controls over governmental payments for IR&D, B&P and OTE to defense contractors. The House conferees acceded to the Senate where the language coincided with its subcommittee recommendations. However, in the opinion of the House conferees, specific ceilings on the total DOD reembursement and the language with respect to relevancy were not acceptable.

Control through restrictive congressional ceilings

The provisions of the Senate language established a ceiling of $625 million for the DOD reimbursement of IR&D, B&P and OTE costs to approximately 50 major contractors and was applicable to payments under cost type contracts only. The House conferees considered this provision as a line item in the authorizing procedure. During its hearings, it was established that such a line item provision was administratively impractical. Moreover, upon examination of the computation of the Senate ceiling amount, in the view of House conferees, it was found that it was, at best, an arbitrary amount, and there were questions as to the relationship of the ceiling with costs incurred by the affected contractors and contracts. The Senate conferees conceded to the House position and the language related to the establishment of a ceiling was deleted.

Relevancy

The House conferees agreed with the basic aim of the Senate language which required that payments should be made only for IR&D, B&P and OTE that was related to department functions or operations. However, with respect to basic research conducted as IR&D it cannot always be directly related to a DOD operation or function. Basic research is that type of research which is directed toward increase of knowledge in science rather than an application to a specific product. The development of such fundamental achievements in science is vital to military research and national interests. The House conferees were of the opinion that the relevancy phrase in the Senate language would unduly inhibit the conduct of needed basic research. The conferees agreed to delete the reference to relevancy and substitute the words "in the opinion of the Secretary of Defense, a potential relationship to a military function or operation" to assure a broad interpretation of the relationship of basic research to military requirements.

Other Technical Effort (OTE)

The conferees agreed to eliminate legislative references to OTE because of the lack of specific definition of this category of cost. The Department in its testimony before the House Subcommittee on IR&D stated that OTE as a category of cost would no longer be used and that greater efforts would be made to correctly classify "OTE" costs as IR&D or B&P, or otherwise in the negotiation of agreements or and contracts.

Relevancy of Research to DOD Activities

Section 204 of the Senate bill provided language identical to that contained in the fiscal year 1970 procurement act. It required that research would be conducted only on work having a direct and apparent relationship to a specific military function or operation.

The House version of the bill contained no comparable provision this year. After considering the findings in the House Subcommittee Report on R. & D., it was unanimously concluded that a comparable section should not be included because of the adverse impact of narrow interpretations of relevancy in the conduct of *basic* research. Accordingly, House conferees maintained that the criteria of "direct and apparent relationships" should not be used as a determining factor in the support of basic research efforts of contractors, universities, or non-profit institutions. However, the conferees agreed that applied research should have a demonstrable relevance to a military requirement.

The Senate agreed to delete the phrase "direct and apparent relationship" and substitute "in the opinion of the Secretary of Defense, a potential relationship" to offer greater assurance that *basic* research activities may be conducted to provide the broadest body of scientific knowledge to support future military needs.

Interagency Council on Domestic Applications of Defense Research

The Senate amendment contained a provision in Section 205 which, if enacted, would have established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research. The Council was to be composed of eight members of various governmental departments, which would have the objective to encourage and support cooperative Department of Defense-domestic research projects.

The House bill contained no comparable provision.

The House conferees pointed out that there appears to be no need for a statutory council of this type in view of the existence of the research coordinating mechanisms of the existing Federal Council for Science and Technology and, in particular, the Department of Defense-domestic agency study group formed under the Federal Council to accomplish this particular objective. The House conferees also pointed out that no hearings had been conducted by the House Committee on Armed Services on this particular provision and therefore were unwilling to accept the Senate language without a more persuasive justification of a requirement for the creation of this new statutory body.

The Senate therefore reluctantly receded from its position and agreed to delete Section 205.

Permissive Authority for Research on Single Reentry Systems for Minuteman III and Poseidon

Section 206 of the Senate bill provided permissive authority for the Secretary of Defense to initiate a program of research on a single reentry vehicle system for Minuteman III and Poseidon. The section provided no additional funds but stipulated the funds would be transferred from other projects. The House bill contained no such provision.

The Senate recedes.

Increase in the Level of Domestic Research Effort

The Senate amendment included a provision as section 207 expressing the sense of Congress that an increase in government support of basic scientific research is necessary to preserve and strengthen the Nation's technology base, which in turn is essential both to the protection of the national security and the solution of unmet domestic requirements.

The resolution further provided that a larger share of the increased support that should be forthcoming should be provided through the National Science Foundation.

The language of the Senate provision also stipulated that the National Science Foundation should be provided with a 20% increase in the amount of research funds made available to it for the fiscal year beginning July 1, 1971.

The House bill contained no comparable provision.

The House conferees were generally sympathetic to the objectives reflected in the sense of Congress provision on domestic research effort. However, the House conferees pointed out that this matter had not been the subject of House Committee hearings, and therefore was not a matter on which the House members were prepared to act. The House conferees, however, were sympathetic to the objectives of this provision, and therefore agreed to accept the Senate language with an amendment reflecting the House position.

Reports To Be Submitted on Request to Senate and House Committees

Section 208 of the Senate bill contained language requiring agencies of the Federal Government to submit to the House and Senate Committees on Armed Services and the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was prepared by a person outside the Federal Government. The only exception provided by the language of the Senate section would be with respect to the exercise of Executive Privilege by the President. The House bill contained no such provision.

While conferees of both houses agreed that a greater effort was advisable in the surveillance of reports prepared by outside persons or agencies financed by the Department of Defense, it was agreed that the language of the section is unnecessary as a means of obtaining compliance with requests for copies of reports and studies.

The Senate recedes.

TITLE III—RESERVE FORCES

The House bill provided that for the fiscal year ending June 30, 1971, the Selected Reserve of the Coast Guard Reserve would be programmed to attain an average strength of not less than 16,590. The corresponding section of the Senate bill provided for an average strength of the Coast Guard Reserve of 15,000.

The minimum Coast Guard Selected Reserve strength required to carry out early response wartime missions is 16,590, as determined by the Coast Guard's "Force Analysis Study" and discussed in detail in House Report No. 91–1022. Budgetary limitations have forced a reduction in the actual Selected Reserve strength from approximately 17,000 to a current level of about 15,000. The budget request of $25.9 million for fiscal year 1971, and recruiting and training capabilities, will not permit the Coast Guard to reach a Selected Reserve strength of 16,590 during fiscal year 1971. In view of this situation, the conferees have agreed on an authorized strength of 15,000 for fiscal year 1971.

However, it is the belief of the House conferees that Coast Guard Selected Reserve strength should be adjusted upward next year to the 16,590 minimum required for wartime missions, and every effort should be made by the Coast Guard to plan and fund for the attainment of that level at the earliest possible date.

The House recedes.

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION: LIMITS ON DEPLOYMENT

The Senate bill contained a separate title IV which authorized military construction in connection with the Safeguard anti-ballistic missile system and included language limiting the deployment of the Safeguard to specified sites in connection with the defense of our strategic missile deterrent. The House bill contained no such separate title. For reasons indicated earlier, the House agreed to the Senate provisions of construction authority in the present bill and the inclusion of Senate language on the limitation of deployment. Therefore, the House recedes on the inclusion of a separate title in regard to the ABM.

TITLE V—GENERAL PROVISIONS

Authority for the transfer of military equipment to the State of Israel

The Senate amendment to H.R. 17123 included a new Section 501 providing the President with authority to transfer military equipment to the State of Israel. There was no comparable position in the House-passed bill.

The Senate Committee on Armed Services, in recommending this provision of law, explained its action in its Committee report as follows:

"The Committee action arises out of a recognition of the deteriorating military balance and the threat to world peace resulting from the deepening involvement of the Soviet Union in the Middle East, particularly their support of a war of attrition against Israel.

"The Committee believes that the sale to Israel of aircraft, and equipment necessary to use, maintain and protect such aircraft, should be authorized at once to facilitate action by the administration consistent with our policy of support for the security of Israel. The rapidity with which the military balance in the Middle East is being adversely affected by direct Soviet intervention calls for an authority in law that would make possible the sale of arms necessary to offset any past, present or future increased military assistance to other countries of the Middle East.

"In Section 501 the Committee affirms its view that the restoration and subsequent maintenance of the military balance in the Middle East is essential to the security of Israel and to world peace. In recognition of the severe economic burden presently borne by Israel in providing for its own defense, the Committee further provides that the credit terms upon which the authorized arms should be transferred be not less favorable than the terms extended to other countries receiving the same or similar armaments."

The managers on the part of the House fully concur in the urgent need for Presidential authority of this kind. However, notwithstanding the Senate action, it is the feeling of the Conferees that an expiration date should be provided in this authorization in order that the customary periodic authorization surveillance by Congress will be maintained as in other authorizations.

In order to effect this intention of the Conferees, language was added to the original Senate language which now provides that "the authority contained in the second sentence of this section shall expire September 30, 1972."

The Congress and the Committees responsible for the granting of this authority will be required to review the need for possible extension of this authority beyond September 30, 1972.

It is further understood that the Executive Branch will provide the Congress and the Committee responsible for this authorization with a semi-annual report on the implementation and utilization of the authority provided by this new section of law.

In order to insure that there is no doubt as to the interpretation of the Senate language, the Managers on the part of the House, the Senate Conferees concurring, reiterate their understanding that the language of the Senate amendment covers ground weapons, such as missiles, tanks, howitzers, armored personnel carriers, ordnance, etc., as well as aircraft. Further, it is intended that the words "equipment appropriate to * * * protect such aircraft" in the original Senate amendment be construed broadly and that they not be narrowly interpreted by the Executive Branch as imposing a requirement that only those ground weapons which are to be deployed by Israel in the physical proximity to airfields may be acquired by Israel under the authority of this section.

Support of Southeast Asia forces

The House bill contains a provision, Section 401, providing that funds authorized under this or any other act may be used in support of Vietnamese and other Free World forces in Vietnam and local forces in Laos and Thailand and for related costs on such terms and conditions as the Secretary of Defense may determine.

The corresponding section of the Senate bill, Section 502, provides a ceiling of $2,500,000,000 on such funds and provides amendments to:

1. Provide support to Vietnamese and other Free World forces "in support of Vietnamese forces." This amendment removed the geographical limits imposed by the phrase "in Vietnam" for the purpose of border sanctuaries and related operations.

2. Provide that no funds may be used in the form of additional pay for other Free World forces in Vietnam if the amount of such payment was greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the United States armed forces. The purpose of this amendment was to insure that funds provided by the section would not provide additional pay for other Free World forces in excess of the $65 per month hostile fire pay provided for U.S. forces.

3. Prohibit the use of funds authorized in this section to support Vietnamese or other Free World forces "in actions designed to provide military support or assistance to the governments of Cambodia or Laos."

4. Provide that no defense article be furnished to the South Vietnamese or other Free World forces in Vietnam or local forces in Laos or Thailand with funds authorized pursuant to this section unless the government of those forces has agreed that such defense articles will not be transferred to a third country without notification to and the consent of the President of the United States.

The House receded from its position and accepted the amendments of the Senate, with further amendments to provide a dollar limitation of $2,800,000,000 for fiscal year 1971 and to provide that the restriction on use of funds for additional pay for other Free World forces shall not apply "to the continuation of payments of such additions to regular base pay provided for in agreements executed prior to July 1, 1970."

The conferees would like it understood that the change in the dollar limitation to $2,800,000,000 from the Senate ceiling is solely for the purpose of supplying flexibility to the Department of Defense should it be determined that additional money, if made available, would have the effect of speeding up Vietnamization with the resulting possibility of more rapid withdrawal of U.S. troops.

The exception provided under the limitation of additional pay to other Free World forces is to assure that the U.S. will not renege on agreements already signed with the governments of such forces.

Requirement of certification by the Department of Defense on the structural integrity of the F–111 as a prior consideration for the obligation of funds

Section 503 of the Senate bill provides that of the funds authorized for the procurement of the F–111 aircraft, $283 million may not be obligated until the Secretary of Defense has determined that the F–111 has been subjected to and successfully completed a comprehensive structural integrity test program and has approved a program for the procurement of the aircraft and has certified the approved programs and findings to the Committees on Armed Services. The House conferees were satisfied that this provision would in no way delay the further procurement of this vitally needed aircraft; and, in fact, the Department of Defense has advised the conferees that it has no objection to this requirement and was prepared to provide the needed certification as to the readiness of this aircraft. Therefore, the House recedes.

The House conferees wish to reiterate that the agreement upon language in the bill in no way reflects agreement with the position stated in the Senate report to the effect that the procurement authorized in the present bill represents the final increment of the F–111 procurement.

It is pointed out that the funds available for the F–111 for fiscal year 1971 will not even complete the fourth wing. The House conferees are unswerving in their belief that four full wings of F–111's should be procured; and it is clear, as the earlier House report indicates, that the Air Force believes six wings are required but such have been precluded for budgetary reasons. The House conferees believe that future decisions should be made in the future, and *not* made now on an arbitrary basis. A present decision on all future requirements for the F–111 is both unnecessary and unwise.

As the report of the Senate Committee makes clear, "no other aircraft in the Air Force inventory can compete with the F–111." The House conferees, therefore, will not accept the imposition of constraint on future procurement of this aircraft and shall insist that the Department of Defense consider further procurement for fiscal year 1972 if necessary for defense requirements and that no prohibition should be placed on the Air Force in planning studies for a fifth or sixth wing.

LIMITATIONS AND CONTROLS ON THE C-5A PROGRAM

Section 504 of the Senate amendment contained language which would prohibit the obligation or expenditure of $200 million authorized to be appropriated for the procurement of the C-5A aircraft unless the Secretary of Defense submitted a plan for its expenditures to the Committees on Armed Services of the Senate and House of Representatives and such Committees approved the plan.

The House bill contained no comparable restriction or prohibition.

The conferees on the part of the House pointed out that they share the concern of the Senate in this matter. However, the action recommended by the Senate raises serious Constitutional questions in requiring that the Executive Branch come into agreement with the respective Committees on Armed Services before going forward with a discretionary action of this kind. Moreover, the Senate provision would, if enacted, have the effect of putting the Armed Services Committees in a position of acting as joint program managers on a matter which in the view of the House conferees should more properly be the final responsibility of the Department of Defense.

In view of these House reservations, the conferees agreed to amend the Senate language to require the submission of a proposed plan of expenditure to the Committees on Armed Services of the Senate and House of Representatives with the further requirement that none of the $200 million could be obligated or expended until after the expiration of 30 days from the date upon which the plan had been submitted to the Congress.

The balance of the Senate language containing the various prohibitions and restrictions remained unchanged. The House, therefore, recedes from its position and accepts the Senate amendment with an amendment.

Requirement of authorization legislation on naval torpedoes beginning in fiscal year 1972

Section 505 of the Senate bill would provide that after December 31, 1970, no funds will be appropriated for use by the Navy for the procurement of torpedoes and related support equipment unless the appropriations of such funds has been authorized by legislation enacted after such date. The House bill contained no such provision.

The Senate amendment is consistent with language adopted by the House last year but stricken from the conference report at the insistence of Senate conferees.

The House recedes.

Chemical and biological warfare

The Senate amendment included in Section 506, language which reaffirmed the prohibition on the procurement of CBW delivery systems contained in P.L. 91-121. However, the Senate amendment contained three additional provisions not previously appearing in the language relating to CBW last year.

Briefly, these three additions are as follows:

I. Subsection 506(b) amended last year's permanent provisions on CBW activities by making more rigid the provisions on disposal of any biological or lethal chemical agent.

II. Subsection 506(c) of the Senate language provided that the Secretary of Defense shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the danger inherent in the use of herbicides and the ecological and physiological effects of the defoliation program in South Vietnam, and

III. Section 506(d) barred future disposition of chemical and biological agents unless they have been detoxified or made harmless.

There was no comparable House provision.

The Department of Defense advised the Conferees that it had no objection to the language of the Senate amendment but was concerned over the possibility that situations could arise where immediate disposal of quantities of CBW agents or munitions would be required to assure safety to individuals. Thus, it was pointed out that the delays in disposal actions caused by the notification requirements in Section 506 could in such cases jeopardize the safety of individuals. Additionally, the disposal of small laboratory quantities of lethal agents is a daily recurring action in research and development and in such instances notification for each action through the Department of Defense to HEW and the Congress would not be feasible.

The Conferees concurred in this reservation of the Department of Defense and, therefore, agreed to amend the Senate language to overcome these problems. The amended language appears as a new paragraph (g) and is self-explanatory.

The language is as follows:

"(g) Nothing contained in this section shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this section would clearly endanger the health or safety of any person."

The House, therefore, recedes from its position and accepts the Senate language with an amendment.

Premature disclosure of defense contract awards

Section 507 of the Senate bill precludes the Secretary of Defense from furnishing information in advance of any public announcement to any individual concerning the identity or location of a person or corporation receiving a Defense contract. The House bill contained no such provision.

The House recedes.

Employment priority for persons affected by reductions-in-force

Section 508 of the Senate bill provides a sense of the Congress Resolution that the various executive departments will give priority in filling vacant positions with career Civil Service employees who are being displaced in the Department of Defense or other departments through reductions-in-force.

The House conferees were in agreement that this amendment had no place in the Military Procurement bill and insisted that regulations or legislation regarding Civil Service employees was properly the jurisdiction of the Post Office and Civil Service Committee. Furthermore, it should be noted that the Executive Branch is already implementing the policy proposed by the provison.

The Senate recedes.

Limitation on permanent change of station assignments

Included in the Senate language as Secton 509 was a Senate floor amendment which directed the Secretary of Defense to initiate new procedures aimed at reducing the expenditures in connection with permanent changes of station for military personnel.

The language of the Senate amendment also directed that there be effected "not less than a 25-percent reduction" in expenditures for permanent changes of station assignments beginning July 1, 1971, "and in each fiscal year thereafter."

The Department of Defense, in commenting on this Senate action, maintained that the enactment of this provision would "present extreme administrative and budgetary problems, as well as problems in manpower programs, especially considering the short time allowed for compliance and the turbulent situation with respect to military manpower."

The Navy advised the conferees that enactment of this provision would have a devastating impact on its already austere ship to shore rotation policy. Among other things, the Navy pointed out that—

"The Navy is a sea duty oriented force and must provide a relatively equitable opportunity for shore assignments because of the privations associated with duty at sea. There are approximately 335,000 enlisted and 37,000 officer sea billets compared to 151,000 enlisted and 41,000 officer shore billets. Increasing tour lengths of duty ashore would require disproportionate extensions at sea. There are 36 "deprived" enlisted ratings, comprising 46% of the enlisted population. Men in these ratings now spend 12 to 16 years at sea during a normal 20-year career."

The House conferees fully concur in the general objectives of the Senate language. The conferees were unanimous in their view that the Armed Services frequently require military members to change duty assignments without any genuine military requirement for such transfer. These frequently unnecessary permanent changes of assignment are essentially due to either outmoded service policy or poor management, and simply result in unnecessary expenditures of millions of dollars while at the same time causing great inconvenience and hardship to service families.

On the other hand, the House conferees concede that lack of stability in the size of the Military Establishment and the personnel movements required by our commitments in Southeast Asia and other parts of the world make acceptance of the Senate language impractical at this time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees.

The House therefore recedes from its objection to the Senate amendment, with an amendment that reflects the sense of Congress that the Department of Defense must initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Requirement for the annual authorization for the number of active duty personnel

Section 510 of the Senate bill provides that beginning on July 1, 1971, an authorization for the average annual active duty strength of the Armed Forces would be required as a condition precedent to the appropriation of funds for this purpose.

There was no comparable House provision.

The House conferees had no objection to the Senate language, and therefore accepted the Senate amendment.

Encouragement of contractors to use closed military facilities

Section 511 of the Senate bill requires the Secretary of Defense to encourage recipients of defense contracts to use military installations being closed and to offer employment to former employees of military installations who are unemployed as a result of such closures. House conferees believed that such a proposed policy would introduce serious complications to the Department of Defense procurement program. Most defense installations are constructed for specialized purposes and would require substantial rearrangement for production purposes. House conferees insisted on a delection of this section.

The Senate recedes.

No change in the command structure of U.S. Armed Forces

Section 512 of the Senate bill provides that no modification or change in the command structure of the United States armed forces shall be made until the Senate and House Committees on Armed Services of the 92nd Congress shall have had 60 days to examine the document known as the Fitzhugh Report. The House bill contained no such provision.

The House conferees opposed the language as unnecessary and subject to misinterpretation.

The Senate recedes.

MILITARY RECRUITING AT COLLEGES

The bill as recommended by the Armed Services Committee and passed by the House contained language in Section 402 which would have prohibited the use of funds authorized for appropriation, to be used for grants to any institution of higher learning when the Secretary of Defense or his designee determines that recruiting personnel of the armed forces were being barred from the premises or property of such institution.

The language provided that the prohibition would not apply under circumstances in which the Secretary of Defense or his designee determiens the expenditure is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort.

The language of the section also provided that the Secretaries of the military services are required to furnish to the Secretary of Defense the names of any institutions of higher learning which the Secretary determines are barring military recruiters from the campus of the institution.

The Senate amendment contained no similar provision.

The Senate conferees expressed support of the objectives of the House language but expressed concern that the language of the provision might, under certain circumstances, result in a denial of federal funds to a college or university despite the fact that neither the students nor the faculty were responsible for denying military recruiters the opportunity to be located on campus.

In view of these reservations, the House conferees agreed to modify the House language to provide that this prohibition would apply when military recruitment was "barred by the policy of the institution."

The Senate therefore recedes and accepts the House position with an amendment.

SUMMARY

The bill as presented to the Congress by the President totaled $20,605,489,000. The bill as passed the House totaled $20,571,489,000. The bill as passed the Senate totaled $19,242,889,000.

The bill as agreed to in conference totals $19,929,089,000.

The figure arrived at by the conferees is $642,400,000 less than the bill as it passed the House, $686,200,000 more than the bill as it passed the Senate, and is $676,400,000 less than the bill as it was presented to the Congress by the President.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill and agrees to the same.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDWARD HÉBERT,
MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
LESLIE C. ARENDS,
ALVIN E. O'KONSKI,
WILLIAM G. BRAY,
BOB WILSON,
CHARLES GUBSER,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. FULBRIGHT. Mr. President, I have already made some points on this matter. I wish to say that I hope the Senator from Mississippi will agree about the line item matter that the Senator from Wisconsin mentioned. We have discussed this before. This is the most important bill that is presented in this fashion.

It would be much easier for the Senate and the country to understand what we are doing if it were presented by line items, and I hope the Senator from Mississippi will urge that the Defense Department develop this procedure. It would be much more understandable. I doubt that we will ever get any degree of control over the military appropriations until the bill is reduced to line items, so that we will know much more about what is actually being bought, and how much it costs.

Awhile ago, in his opening remarks, the distinguished chairman of the committee stated that he was very much in favor of legislative supervision. I, too, am in favor of that. But one item taken out of the Senate's bill was the provision concerning access to what are called "think tank" reports.

The Foreign Relations Committee has asked the Pentagon for these reports on a number of occasions—reports made by such organizations as the Institute for Defense Analysis, the Rand Corp. and others. One I specifically had reference to was requested a long time ago: The study of the command and control decisions in connection with the Tonkin Gulf affair, a very sad affair in our history. That affair happened during in the previous administration, of course; it had nothing to do with this administration.

But the Defense Department has adamantly refused to supply that report, although it was not prepared within the Department, and it was not an internal working paper. It was prepared by the Institute for Defense Analysis, a private organization which gets practically all its funds from the Defense Department. I still do not see any valid reason for this type of study not being made available to Congress. It was paid for by public funds.

But they classify everything that does not suit their current policy line. I mean if any study casts reflections upon their current policy, they classify it.

Incidentally, in that connection, I was very pleased that the Scranton committee report on students was not classified, because I understand the recommendations of that report are not compatible with Mr. AGNEW's views on what should be said today. If anything comparable happened in the military, they would classify it.

How does one exercise legislative supervision over agencies of the executive branch? The Senator says he is for it. How are we going to do that job, if studies made under contract by the experts—such as they are—are not available to the committees?

Perhaps the Armed Services Committee can get access to these reports. I am not sure whether the Senator has ever been refused or not. But certainly the Committee on Foreign Relations is denied a report whenever they do not want us to see it. They will say that it is only for the eyes of certain people or give some such excuse, there is no effective way that I know of to break that down. I have thus far been unable to do it, in any case. The Foreign Relations Committee has been turned down in a number of instances.

They have been extremely reluctant to cooperate in furnishing information in a number of areas. The Senator from Missouri (Mr. SYMINGTON), for nearly 2 years, has held certain hearings dealing with our commitments abroad. In some cases, they have been cooperative, and in many others they have not. It is a very capricious business; whenever something becomes sensitive, for example, concerning nuclear weapons—for reasons that are not quite clear to me, they are extremely sensitive about nuclear weapons—they do not want to testify. They have testified some; the barrier is not complete. But if, all of a sudden, they become apprenhensive about something, they will, without any, to me, reasonable reason, make a distinction and refuse to testify.

Of course, I am bound to say that this is not peculiar to the Pentagon. This also happens with the State Department. So I do not mean to say it is only the Military Establishment. But it makes legislative supervision extremely difficult, even impossible to make effective.

I do not know what the Senator from Mississippi had in mind when he was speaking about that. He was very enthuisastic, and thought it was important to have effective legislative supervision. Surely he will agree that unless we have cooperation by the executive branch, unless we have available all the material relevant to the matters we are responsible for and interested in, it is extremely difficult, if not impossible, to carry out proper legislative supervision.

Finally, Mr. President, this is such a big bill, involving almost $20 billion, that I am very reluctant to cause any pain to the majority leader or any Senator, but, especially since I am opposed to several things which I have already mentioned and shall not repeat, I should like the opportunity to vote against this bill, simply to make positive my disapproval of a number of the procedures that have been followed, and some of the substantive changes that have been made—above all, the one which I have already belabored or talked about with regard to the international fighters. It involves both the jurisdiction of the committee of which I am a member, and a great deal of money. There is no precedent for that kind of action.

I would like to have a record vote on this matter, if the majority leader feels that it is not impossible. We have had a number of record votes recently on bills of far less consequence than this. This involves almost $20 billion and is a peculiar bill without line items. Most of the country does not know what is in it. I do not know whether the majority leader feels that we can have a record vote.

Mr. MANSFIELD. We can, if the Senator desires, and he knows that. But we have already voted on this bill once, when it was brought before the Senate.

I am thinking of the schedule that confronts the Senate. I would appreciate it if there were no roll call vote, but if the Senator wants one, I would join him in asking for it.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I do not want to be arbitrary about it. I appreciate what the Senator says. This bill has been voted on before, in a different form. I have no doubt that the position of the conference committee and the Senator from Mississippi will be sustained. Therefore, I will not insist upon a record vote. But I want the RECORD to show that I do not approve of various items I have mentioned and others. I do it not because I criticize the Senator from Mississippi. I appreciate his position as chairman, and I know the difficulty with the House and how difficult they are in conference.

I just want to make it perfectly clear that these procedures involve not just $20 billion—that is this bill—but the overall Military Establishment, which follows similar practices in its other activities. The total budget for the Defense Department amounts to well over $70 billion. I think it is high time that we begin to reform these procedures, and that we make it possible to exercise legislative oversight along the lines the Senator has mentioned.

I would hope the Senator from Mississippi would cooperate in bringing some pressure to bear upon the Pentagon to make these studies available. It is my understanding that the conference report states that the provision voted by the Senate was not necessary and that is the reason why they took it out. I think it is necessary. I do not know why it can be said not to be necessary, when I have specific instances in which the studies from the "think tanks" have been refused to the Committee on Foreign Relations.

So I would hope that the Senator from Mississippi would lend his good offices to requesting the Pentagon to make available these relevant studies, so that we can at least be informed upon how our constituents' money is being spent.

In any case, I will not insist upon a rollcall vote for the reasons given, although I want the RECORD to be quite clear that I vote against this measure orally.

Mr. STENNIS. Mr. President, I want to emphasize what I have already said. This report in many ways is better and more explicit and more informative than a so-called line item bill could possibly be. Nothing is withheld. It is all reflected in this 121-page printed report.

I appreciate the Senator's position on his amendment. I am sorry to have not made law. He excepted the executive privilege point from the amendment, which I thought was commendable, and we tried to get agreement on this. I do not know whether the Senator was in the Chamber when I quoted our former colleague Senator Hayden.

Mr. FULBRIGHT. And I have experienced it.

Mr. STENNIS. I yield the floor.

Mr. EAGLETON. Mr. President, the 91st Congress will claim its place in history, I believe, as the first postwar Congress which scrutinized the military budget as closely as it did domestic requests.

Although I have argued for an overall limitation on defense and against certain provisions, I have generally supported the action of the Senate Armed Services Committee. The committee's responsibilities are heavy, yet it managed to prune $1.329 billion from the Pentagon's $20.237 billion military procurement request. As I stated on August 27 of this year:

> Although there are some sections of this bill with which I disagree, I believe that the Committee's overall efforts are highly deserving of praise.

Defense appropriations will be acted on later this month, but in large part the debate over military spending and national priorities has centered on the military procurement authorization bill. We now have the conference report before us.

It recommends $686.2 million more than the original Senate bill—an amount greater than many of us would have hoped, but less than it would have been in times past.

The Senate receded to the House and added the following amounts for the following items:

	Millions
Freedom Fighter	+2.3
Hawk missile	+28.1
Maverick	+6.0
Cheyenne	+17.6
SAM D	+8.8
Defense research sciences	+2.3
Destroyer helicopter system	+5.0
F-14B C	+5.2
Air launched surface launched antimissile (HARPOON)	+14.0
Point defense system development	+3.8
Advanced surface ship sonar development	+0.7
Surface effect ships	+10.0
Innovations in education and training	+0.2
Advanced fire control/missile technology	+2.8
Subsonic cruise armed decoy (SCAD)	+10.0
Advanced tanker	+0.5
B-1	+25.0
F-111 squadrons	+6.4
Short-range air-to-air missile	+5.0
Minuteman rebasing	+27.0
Armament ordnance development	+5.0
ARPA	+7.8

And, in addition to money restorations, restrictive language pertaining to independent research and development was dropped, as was the spending ceiling for such efforts which had been rightly imposed by the Senate Armed Services Committee.

The conference also deleted the Senate provision which required reports, studies, or investigations financed with Federal funds and prepared by persons outside the Federal Government be supplied on request to the House and Senate Committees on the Armed Services and the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Section 502, which provides a ceiling of $2.5 billion on funds authorized to be expended under this or any other act in support of Vietnamese or other free world forces in Vietnam and local forces in Laos and Thailand, was raised by $300 million to $2.8 billion in conference.

Further, the Senate provision directing "not less than a 25-percent reduction" in expenditures for permanent changes of station assignments beginning July 1, 1971, was deleted, as was the congressional committee oversight over the expenditure of the $200 million Lockheed "contingency fund."

The most important concession in terms of dollars came on Chairman RIVERS annual demand that Congress authorize $435 million for shipbuilding—over and above the President's budget request. The Rivers booty will be used to build:

> One fast submarine (SSN-688 class), $166 million; long lead time procurement for an additional such submarine, $22.5 million; one submarine tender, $102 million; one destroyer tender, $130 million; two oceanographic research ships, $7.5 million; landing crafts, $10 million, and service craft, $24 million. The Senate bill contained no such additions but approved a Naval construction program as requested by the President with the exception of the aforementioned CVAN-70 funds which were deleted by the Senate.

As we pass on this additional $435 million which the administration did not request, it is interesting to reflect on the education bill the President vetoed because it was $453,321,000 over his request. We can safely predict that the legislation before us will not be vetoed, but I trust that the administration will be prepared to answer to taxpayers and their children who pay for Mr. RIVERS' largesse.

The second item with which I take strenous exception is less costly to the taxpayer, but it is representative of the problems we face in controlling military spending. The Senate receeded, and authorized the expenditure of $12 million more for the M60AE2 tank. This means that the $10.9 million the Senate cut for 150 M60A1 chassis which would have been returned from the parking lots of Detroit where they have moldered for years, will also be restored.

The Senate Armed Services Committee wisely canceled the M60A1E2 program this year. As the committee report states:

> The Committee recommends denial of the $12.1 million for this tank. Work on the M60A1E2 started in 1965 and was to be a product improvement to the M60A1, primarily by adding a new turret and the 152mm gun SHILLELAGH main armament system. Funds were provided in 1966 and 1967 for production, but the tanks were never assembled because of technical problems. The Army has requested $12.1 million to continue effort toward solution of the problems. The current investment in 300 tanks and 243 turrets total almost $260 million and the Army estimates that about $110 million more is required to field 543 of these tanks for an ultimate cost of about $684,400 each.
>
> In spite of the substantial investment in the M60A1E2 program and the optimism of the Army that the fix has been identified, the Committee believes that further funding

of the program is not warranted and the $12.1 million requested in 1971 is denied. As explained under the M60A1 program, $10.9 million of the $57.3 million in recoverable assets will be used for that program. The remainder will offset other future requirements.

Continuously bungled since 1965, the M60A1E2 remained to be the object of unrealistic and persistant optimism by its project managers when testifying before Congress.

The "Detroit tank," as Senator STENNIS calls it, has never left the parking lots there where it stands unfinished because of technical difficulties. It exemplifies what Secretary Packard referred to when he stated earlier this year, "Frankly in defense procurement, we have a real mess."

This slightly upgraded tank will cost over three times what our present M60A1 costs—$684,400 each. It will be even more expensive than the new super dream tank, the MBT–70, which is itself a dubious investment.

How the House Armed Services Committee managed to foist this tank on the Senate and the public—even against the advice of some high military officials in Europe where it is to be used—is totally incomprehensive to me.

Obviously, those of us who have fought what we consider unnecessary military spending are disappointed that the conference committee brought back a bill $686.2 million more than the Senate passed.

But, in fairness, the conference bill is $642.4 million less than the bill originally passed by the House, and $676.4 million less than the administration request.

The Senate position on the ABM was upheld. There will be no area defense.

The House agreed to the Jackson amendment granting authorization to the President to transfer military equipment to Israel, and defining "aircraft and equipment necessary to use, maintain, and protect such aircraft," broadly.

And, importantly, the provision which prohibits "the use of funds—to support Vietnamese or other free world forces in action designed to provide military support or assistance to the governments of Cambodia or Laos" has been retained.

After 2 years of continuous scrutiny and heated debate, this conference report is not all that many of us would desire. And yet, I believe it reflects a change in the way Congress views military spending which this 91st Congress has spearheaded.

Some provisions in this bill are obnoxious to me but on final passage it is necessary to weigh the bill in its entirety.

I have done so, and will vote for final passage.

Mr. JACKSON. Mr. President, the Senate will shortly vote to approve the conference report on the Defense Procurement Act, thus sending to the President for signature a measure which includes a provision vitally affecting the security of Israel and the peace of the Middle East.

Section 501 of the act contains a clear statement of congressional policy, soon to be part of our public law, that expresses the grave concern of the Congress at the deepening involvement of the Soviet Union in the Middle East. The language of section 501 articulates, in a mere 11 lines, 110 words, the crucial center of American policy in the Middle East.

The Congress has said, by its overwhelming support for section 501, that the deepening involvement of the Soviet Union in the Middle East presents a "clear and present danger to world peace."

The Congress has said that this involvement "cannot be ignored by the United States."

The Congress has pledged that the President shall have the authority to restore the military balance in the Middle East.

The Congress has pledged that the President shall have the authority to maintain the military balance in the Middle East.

The Congress has provided for military credits to Israel to counteract past Soviet action in providing military assistance to other countries of the Middle East.

The Congress has provided for military credits to Israel to counteract any present military assistance to other countries of the Middle East.

The Congress has provided for military credits to Israel to counteract any future increased military assistance to other countries of the Middle East.

Mr. President, I first drafted section 501 in June of this year and introduced it in the Senate Committee on Armed Services on June 17. It seemed to me even then that the restraint exercised by the administration, expressed in the decision to hold in abeyance the sale of jet aircraft to Israel, might fail to induce similar restraint on the part of the Soviet Union. Indeed, I was concerned at the unrelenting buildup of Soviet forces in Egypt, and at the dangers arising out of that buildup in combination with the declared policy of the UAR to wage a war of attrition against Israel.

My concern was deepened when, in September, the United States sought to initiate negotiations in which I felt our position was seriously prejudiced by apparent doubts as to the solidity of the American position resulting from our prior restraint. Had the provision of an adequate level of military aid to Israel preceded the abortive peace initiative, the calculated and disingenuous violations of the cease-fire provisions might not have resulted. But result they did, and as section 501 came to the floor of the Senate the fragility of the balance in the Middle East was more precarious than ever before. The Soviets and Egyptians had succeeded in accomplishing by clandestine behavior, under the cover of darkness and self-imposed Western restraint, what they had failed to accomplish by overt military means: they had degraded Israel's first line of defense, the unchallenged supremacy of her air force in the skies above the Suez Canal.

To many who read of the agreement of the House to section 501, a Senate measure, it seemed that the timing of the Congress in adopting a clear statement of policy and granting vital legislative authority had been fortuitous indeed.

However, in spite of my obvious pleasure at the affirmative response to this important congressional initiative, I cannot help but wonder whether our interests, and the interests of world peace, might not have been better served had we recognized sooner the urgent necessity for determination in the face of adversity and the danger of irresolution under challenge.

Final passage of this measure comes at a time when the Sphinx no longer can pronounce "Gamal Abdel Nasser" to the imponderables of the future of the Arab world. One would have been tempted, a short week ago, to say of Nasser's passing, "the center cannot hold." Whether mere anarchy will be loosed upon the world of the Middle East will depend, now more than ever, on our determination. It will depend on the success with which we can discourage the Soviets from sharing the vacuum Nasser has left behind with an even greater presence than they have thus far managed to build upon the exploitation of the tragic conflict between Arabs and Israelis. Success on this goal—the discouragement of the Soviet appetite for further influence in Egypt—will depend upon our capacity to demonstrate that continued exploitation of local conflict in the Middle East is a dangerous and unprofitable proposition.

The assistance available to Israel under the terms of section 501 will be a crucial element in this endeavor. The authority is broad, virtually all inclusive, as the conference report makes clear. The terms upon which credits will be extended are generous, including very long periods of repayment and negligible interest charges.

The broad authority and generous terms are an essential element of section 501, sharing with a clear and direct policy statement in the importance of the measure as a whole. The provisions and terms are exceptional because they are required for an adequate response to an exceptional situation.

Section 501, Mr. President, represents more than aid to a brave ally whose survival is threatened by a Soviet policy of expansion. It is equally an affirmation that the United States will act decisively to assure the security of a progressive and democratic nation anxious to live in peace and to survive in freedom.

Mr. HATFIELD. Mr. President, we know that our democratic system is based upon a complex and interrelated balance of powers, both between the branches of Government and within them. The final decisions which we reach involve compromises and mitigating influences which make them never wholly acceptable to all, yet tolerable to a sufficient number.

The convictions of those who speak and act in dissent from proposed or prevailing policies find reasonance within the councils of decisionmaking—at least, such is the design of our system. Thus, although the holders of contrary opinion may not prevail, our structure provides that they are to be heard and in at least minimal terms, make some impression.

During the past 2 years, throughout

the country and within Congress, a deepening concern over the extent and wisdom of our Government's military expenditures has emerged. In congressional debate that progressively has become more focused, and in public convictions which have become more intense, the purpose and degree of our expenditures in the name of defense have been scrutinized.

A majority of the public, and a significant force within Congress, have grown to believe that our present expenditures, for a mulitude of reasons, are excessive and not wholly justified by the legitimate demands of our Nation's security.

Some believe that the appropriate offices of Government have acknowledged this concern—that our defense spending has been reduced and our priorities reordered. Yet, careful examination of our budget expenditures finds this difficult to reveal.

Reductions which have been accomplished seem largely the result of a lowered number of troops in Vietnam, rather than a decisive choice to reallocate the thrust of Government spending by curtailing the defense budget. The past 2 years may have yielded certain accomplishments, but one is hard pressed to enthusiastically enumerate them.

However, whatever limited impact that might have resulted from those who have called for rational restraint of military spending is nearly disintegrated by the results of the conference committee report on the military authorization bill.

Its substance causes one to wonder whether 2 years of penetrating debate have ever been heard—or have ever been genuine dialog.

Consider briefly the facts. The difference in money between the House and Senate authorization requests—about $1.3 billion—was divided about evenly, as would be expected. Thus, the final bill is below the original request made by the Defense Department. Although we can be certain this is no surprise to the Pentagon budget planners, who allow for such contingencies, yet it is a movement in at least the right direction.

However, on issues of procedure and substance, it seems that the modifications made by the Senate were sacrificed to the House version, with only certain exceptions—such as—the Senate's position on the ABM question, and the decision to withhold funds for the new carrier until the National Security Council completes its review.

Those positions, further, were not contrary to the wishes of the administration. In particular, nearly half of the Senate believed that the committee's ABM position was not justifiable. Yet, the cost of preserving these positions, it appears, was the emasculation of an inordinate portion of all the other provisions favored by the Senate.

Others have enumerated their positions given up in the conference committee, including a ceiling on Department of Defense reimbursements to major contractors for independent research and development, the limitations on nonmilitary related research sponsored by the Department of Defense, the establishment of an Interagency Council on Domestic Applications of Defense Research, the Brooke amendment relating to a research on a single reentry system for Minuteman III and Poseidon, and the provision requiring reports done for Federal agencies, such as the Department of Defense, to be submitted to the appropriate House and Senate Committees if requested—as well as several other provisions on which the Senate receded to the House.

But most costly, and most distressing to me, are the authorizations maintained in the conference committee report, at the insistence of the House, that were not even requested by the Department of Defense.

Most noticeable is the authorization of $435 million in new construction for naval vessels above the amount requested by the President and the Department of Defense.

I have no idea as to how the House conferees could convince the Senate conferees that the Navy needed $435 million more for ship construction than the Navy themselves requested and the President believed necessary.

Also authorized are funds for the Cheyenne helicopter, a program which the Pentagon announced it was canceling a year ago.

Further, $17.6 million is authorized for the so-called Freedom Fighter, a plane which the Air Force has not requested and sees no need of developing.

It is unbelievable to me that in a time of inflation, when the President has already vetoed bills that were above the President's requests, that the House conferees should insist, and the Senate agree, to authorize $480 million for projects that are not, in the judgment of the President and the Department of Defense, necessary for the security of our country.

I can only trust that the Appropriations Committee will see fit not to fund these inflationary and needless authorizations.

There has been extensive discussion about the need to reorder priorities, and the progress that has been made in that regard. Yet, the evidence of hte conference committee's report indicates that if priorities are to be affected, they will be tipped in favor of increased, unregulated military spending.

When one considers the total effect of the actions taken by the conference committee, examining not only the differences in funding, but also the changes in the substantive and procedural provisions, it is clear that even the most modest attempts to assert some control and direction over defense spending have been almost completely to no avail.

The viability of our system depends upon its responsiveness to all the voices that are raised in the final decisions that are reached.

There must be accommodation in some manner to these various voices if our system—if the process of decisionmaking—is to merit the support of its participants.

With regret, I conclude that the action of the conference committee illustrates a total unresponsiveness to those who in any way feel that the requests and wishes of the Defense Department can be legitimately questioned and safely altered.

Thus, I shall vote against acceptance of the conference committee report, and do so for two reasons: First, because I continue to believe that the level of military spending is not in the best interests of our Nation and can be safely reduced. Second, and perhaps more crucial, because the report illustrates a basic failure of our legislative system to be responsive and adaptive to the variety of viewpoints that are reflected and represented. That, in the long run, is perhaps the most pressing threat to the real security of our country. It is ironic that the report authorizing billions for national defense should be such an illustrative symbol of why so many people believe that our own internal security, and the faith in our institutions, is eroding, jeopardizing our future.

Mr. MAGNUSON. Mr. President, I do not want to delay the Senate, but there has been much talk about line items. I do not want the misimpression to go abroad that these line items are not looked at. This is an authorization bill; when the Defense Department budget comes before the Appropriations Committee, as members of the Appropriations Committee well know, it comes in line items, and each item is scrutinized individually. The Appropriations Committee can get whatever reports it needs, and we double check each item at that time. The Appropriations Committee has not been mentioned much in this discussion.

So I hope the impression will not be created that Congress does not look at each of these items, one by one, including those that are classified. In the latter case we still get the information, and we determine whether to keep it classified.

Mr. FULBRIGHT. About a month ago I asked for one of these studies. I got a letter back saying, "No," and they even classified the letter that said "No."

Mr. MAGNUSON. They sometimes do that. The Appropriations Committee gets classified information, as much as it wants. There is always an argument on the Senate floor and in the committee as to what we should leave classified or what we should not leave classified. But the full Appropriations Committee gets this information, and then we pass on it. Some of it has to be classified. I have been very disappointed sometimes, as has the Senator from Arkansas, about the way in which the Defense Department puts the classified stamp on, and in the way in which they use the word "restricted." But the point is that every expenditure is scrutinized in the Defense Appropriations Subcommittee.

The PRESIDING OFFICER. The question is on agreeing to the conference report. [Putting the question.]

Mr. FULBRIGHT. I vote "no."

The conference report was agreed to.

Mr. STENNIS subsequently said: Mr. President, earlier today the Senate voted to adopt the conference report on H.R. 17123.

I now move that the vote by which the conference report was agreed to be reconsidered.

Mr. THURMOND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

FORMER SENATOR CARL HAYDEN'S 93D BIRTHDAY

Mr. MANSFIELD. Mr. President, inasmuch as the name of our former colleague, Senator Hayden, has been mentioned, I should like to remind Senators that tomorrow is Senator Hayden's 93d birthday. I hope that Senators will keep that in mind and be prepared to pay their respects in some small way to a long-time colleague, a great man.

REORGANIZATION PLAN NO. 4 OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1261, Senate Resolution 433, to disapprove Reorganization Plan No. 4 of 1970.

The PRESIDING OFFICER (Mr. ALLOTT). The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 4 transmitted to the Congress by the President on July 9, 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MAGNUSON. Mr. President, I am pleased to speak again in favor of Reorganization Plan No. 4. I support this proposal wholeheartedly, and trust that others will join me in opposing Senate Resolution 433 disapproving the reorganization plan.

The proposed plan is smaller than I had hoped the President might recommend. I have expressed on many occasions the desire that the Coast Guard be placed in any reorganization plan of this nature and that the oceanic and atmospheric program might well be housed in an independent agency. But these two exceptions should not be allowed to detract from the many merits of the proposal, and after waiting 10 years to see a strong oceans program developed in the United States, I do not feel that we can wait any longer.

This is a great step forward. The Senator from South Carolina is chairman of a subcommittee of the Committee on Commerce, and he is in agreement with this proposal and knows the urgency of it.

The national oceanic and atmospheric program has been thoroughly studied in the last 10 years. Rejection of the President's proposal now in order to study the alternatives would be redundant and would cause inexcusable delay. The President's proposal has the support from Dr. Stratton and all of the other members of the Commission on Marine Science, Engineering and Resources who originally recommended the creation of NOAA.

I was a congressional adviser to that Commission. The Commission put in long hours and long weeks of work. It has the unequivocal support of Dr. Edward Wenk, the former Executive Secretary of the National Council on Marine Resources and Engineering Development. And it has my complete support.

Approval of this plan will provide an important first step enabling this Nation fully and wisely to use and understand the oceans and the atmosphere. Wisely administered, NOAA will greatly enhance the quality of our environment, our security, our economy, and our ability to meet increased demands for food and raw materials. I am confident that the Secretary of Commerce will give NOAA the support and backing which are absolutely essential if the visions and hopes of the Stratton Commission are to become a reality for the Nation.

Some of the opponents to the creation of a NOAA have objected to the placement of a resource development function and an environmental protection function in the same agency. They have pointed out what has happened historically when resource development and environmental protection are placed in the same department or agency. The establishment of the Environmental Protection Agency is an attempt to create a separation of those two functions, and I think it can work in that case. But the argument implies that it is impossible to have both resource development and environmental protection in the same department. If that is the case, we are going to have to reorganize the Department of Defense, the Department of Health, Education, and Welfare, the Department of Agriculture, the Department of Transportation, the Atomic Energy Commission, the Department of the Interior, and every other agency that has developmental as well as environmental protection responsibilities. The argument also ignores the political climate that has been created in the last year or so. The political concern, awareness, and pressure to protect and enhance our environment simply has not been a real political force until the last year. But it is a real presence now.

If history is prolog, then we must learn from the history of those departments and agencies that have developed resources at the expense of environmental quality. But the real question is whether it is desirable in all cases to separate the resource development and the environmental protection functions. Every serious environmentalist that I know of who has looked at the problems has found that we cannot simply stop all development to protect the environment. And clearly we cannot tolerate resource development at the complete expense of environmental quality. Rather, we seek a proper mixture of the two. And that is what René Dubos and other prominent ecologists mean by the term "wise use."

Creation of the National Oceanic and Atmospheric Administration will enhance the possibility that we will use the marine environment wisely. It will have scientific capability; technological skill to work in the oceans; the experience to improve international programs in the marine and atmospheric sciences; the capability to monitor and predict weather and a growing understanding of the problems of weather modification; the biological, economic, legal, and political skills not only to rehabilitate our fisheries but also to enhance them; and they will have the experience of the ably managed national sea grant and college program. None of the programs coming into the National Oceanic and Atmospheric Administration have been administered in the past with callous neglect of the environment. Just the opposite is true. Most of the leaders of the agencies that would comprise NOAA were expressing concern for the quality of a marine and atmospheric environments long before we in the Congress developed our environmental awareness. There is no reason to believe that the mere placement of NOAA in the Department of Commerce will change that awareness or direction.

As I mentioned earlier, Mr. President, we have waited more than 10 years for this opportunity. No more delay can be tolerated. The matter has been thoroughly studied and well thought out both with respect to the executive and the legislative branches of Government. The time to move is now. I urge that we in the Senate join our colleagues in the House in rejecting Senate Resolution 433.

Mr. NELSON. Mr. President, on July 28, I introduced Senate Resolution 433, which if agreed to by the Senate, would constitute congressional rejection of Executive Reorganization Plan 4 which proposes to establish a National Oceanic and Atmospheric Administration—NOAA—in the U.S. Department of Commerce.

On July 28, August 11, August 21, and September 23, I made Senate floor statements regarding my concern with plan 4. Further, on July 28 and on September 1, I testified before the Senate Government Operations Subcommittee on Executive Reorganization regarding the NOAA plan.

Thus, today, I will summarize my position and comment on what I believe is very significant language in the Government Operations Committee report on the reorganization plan.

At the outset, let me make clear my strong support for plan 3, which creates the Environmental Protection Agency. This plan clearly demonstrates the President's commitment to restoring the quality of the environment and the introduction of Senate Resolution 433 has in no way been intended to be critical of the President's environmental efforts.

Also, the Subcommittee on Executive Reorganization, chaired by Senator ABRAHAM RIBICOFF, and the full Government Operations Committee have been very helpful in hearing and carefully considering all the various views on the reorganization plans.

My concern with plan 4 is based not on the question of its merits, but on its timeliness. For the future of our environment and of the human race itself, one of the most chilling forecasts imaginable is being made by marine scientists, who now say that if we continue to pollute the sea at the present accelerating

pace, all productive ocean life will be destroyed in 25 to 50 years.

At this late stage in history we are still ill-prepared to meet the challenge of properly protecting the marine environment. In the past 20 years, 900 square miles of U.S. coastal wet lands, a vital link in the chain of ocean life, have been drained and filled for all kinds of development. But as yet, there is no meaningful national program to protect the coastal environment. Each year, tens of millions of tons of solid wastes—from garbage and trash to junked automobiles—are dumped into the sea off U.S. coasts. Yet, no Federal agency is setting tough environmental regulations to halt this ecologically destructive practice. And though pollution control standards programs are established for close-in coastal waters, nowhere in the Federal Government is there an effort of any significance for pollution control beyond the 3-mile zone offshore. It is, in effect, frontier days on the high seas.

Each year, 3,000 to 5,000 new oil wells are drilled in the oceans off the U.S. coast. Yet last year, reports by the President's Panel on Oil Spills confirmed that we do not have the technology at present to control a major marine oil spill, and further estimated that with foreseeable drilling and accident rates, we can expect a Santa Barbara-scale disaster once a year by 1980. Floating airports are being discused for waters in the Great Lakes and the oceans off the coast of several of our major cities. Yet, nowhere in the Federal Government is there a program to develop comprehensive environmental plans and regulations to protect against possibly disastrous consequences of these and other massive intrusions into the sea.

Reorganization Plan 4 would not resolve these questions. Instead, in this Nation's first major oceans policy step this decade, it would establish a NOAA in a department whose mission the 1969–70 U.S. Government Organization Manual describes as "to promote full development of the economic resources of the United States."

Almost every national conservation organization has expressed serious reservation about the creation of NOAA by plan 4 without agreements on where the responsibilities for protecting the coastal and marine environments will be placed.

I ask unanimous consent that a list of the organizations that have gone on record in this regard, along with some of their statements, be printed in the RECORD at the conclusion of my remarks, along with other materials pertaining to this matter.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, further, none of the several very comprehensive reports that have been done in recent years on marine affairs have recommended placing a NOAA in the development-oriented Department of Commerce. The January 1969 report of the Commission on Marine Science, Engineering, and Resources—the Stratton Commission—recommended an independent NOAA. The Ash Council, appointed by the President to study and recommend government reorganization, reportedly recommended a new marine environment agency under the Secretary of the Interior.

And, the administration bill introduced last year would put the coastal zone management program in the Department of the Interior. The bill by Senator MUSKIE first proposing an environmental protection agency would have transferred the Environmental Science Services Administration from the Department of Commerce to EPA. And legislation I introduced this year would establish a comprehensive program for marine environment protection in the Department of the Interior.

The implementation of any of these proposals would represent a more timely step toward establishing a national policy on the oceans than plan 4. All would give much greater emphasis at this important stage to ocean environmental protection.

Sound arguments can be made for putting NOAA in Commerce, as plan 4 does. And though many thoughtful people would prefer an independent NOAA or a new marine affairs agency in the Department of the Interior, NOAA in Commerce may well prove to be a workable step. However, it would have been even better if we had waited to settle the very important marine environmental questions before establishing the Commerce Department NOAA.

Thus, it is my position that NOAA should not be established at this time. And by introducing Senate Resolution 433, it has been my purpose to create a constructive dialog about the implications of plan 4, so that it would not be given a blanket approval without any discussion and without a clear understanding of what NOAA in Commerce is expected to do and how it is expected to relate to other agencies.

And I believe that the hearings by the Senate Government Operations Subcommittee on Executive Reorganization, along with those on the House side, have carefully delineated the distinctions between development and environmental standard setting and the importance of keeping these functions separate.

Further, I believe the Government Operations Committee has very carefully reviewed the implications of establishing this new agency now along with EPA and has clearly spelled out in its committee report the important principles and conclusions which must be observed if plan 4 is allowed to go into effect.

First, the Senate committee report clearly identifies ocean resource development as the primary mission of NOAA in Commerce. It describes NOAA as "an agency whose major concern is the development of a national oceanic and atmospheric program of research and development."

The evidence that this is the design of NOAA in plan 4 is very convincing. Describing the mission of NOAA, President Nixon said in his message to Congress:

I expect that NOAA would exercise leadership in developing a national oceanic and atmospheric program of research and development.

And the Stratton Commission report, from which much of the thinking for NOAA is derived, stated that the mission of such an agency would be "to insure the full and wise use of the marine environment in the best interests of the United States."

Second, the committee report makes it clear that NOAA in Commerce would have to comply fully with the provisions of the National Environmental Policy Act, as do all Federal agencies. It said:

Though the primary mission of NOAA will be oriented toward research, technology and resource development, the Agency of course must, as must all Federal agencies, comply with all applicable provisions of the National Environmental Policy Act of 1969.

I would expect many of NOAA's activities to pose major environmental effects and thus to require section 102 reports under the act.

Third, the committee report recognized and strongly concurred in the principle that programs to protect the environment should be separated, in separate departments, from programs for resource development. The report said:

As the central question of the hearings, the committee finds consistency in the principle that in our oceans policies, environmental standard-setting and enforcement should be kept separate from other Federal activities. As such, the committee firmly believes that Reorganization Plans 3 and 4 preserve this position by placing environmental standard-setting functions in EPA and marine research technology and development functions in NOAA.

This very important principle was cited by President Nixon in proposing EPA. A major reason for EPA, he said, would be that—

It will insulate pollution abatement standard-setting from the promotional interests of other departments.

As we have seen from the sad history of built-in conflicts of interest in many Federal agencies charged with both development and environmental protection, this is a wise and necessary course.

In this testimony before the Senate subcommittee on September 1, Mr Andrew M. Rouse, Executive Director of the President's Advisory Council on Executive Reorganization—the Ash Council made it clear this principle should apply in our oceans policies as well. He said:

Our view is that any authority created by Congress that deals with setting pollution control standards is not to be in a resource using or promoting agency; so that, if Congress creates authority to set standards with regard to ocean pollution control, that authority should be placed in the Environmental Protection Agency and not in a resource using agency.

Responding to a question on whether this same principle should apply in any coastal zone management program, the Ash Council representative said that although the Council has not studied coastal zone management proposals because they are now in pending legislation, his view is that—

If there is authority in that bill which gives standard setting and enforcement functions, those functions should be in EPA.